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MEMORIES AND THOUGHTS OF A LIFE

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MEMORIES AND THOUGHTS OF A LIFE

BY

WILLIAM O'CONNOR MORRIS

COUNTY COURT JUDGE AND CHAIRMAN OF QUARTER SESSIONS
FOR THE UNITED COUNTIES OF ROSCOMMON AND SLIGO
SOMETIME SCHOLAR OF ORIEL COLLEGE, OXFORD

"*Ce livre est de bonne foi*"
MONTAIGNE

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PREFACE

I HAVE set down in this volume the reminiscences of a life not fruitful in personal incidents, but which has given me rather a large and varied experience of men and things. I have described social features of a generation that has passed away; have added sketches of the same kind belonging to my own time; have noticed much that I have seen and known in a long forensic and judicial career, and have glanced at the little I have done in the sphere of letters. But I have dwelt chiefly on the condition of Ireland, political, social, and economic, during the last half century, for it is a subject which has engaged my attention since boyhood, and it is of the gravest importance to every thinking person in the three kingdoms. Though always a Liberal, and a scion of a family true to the creed of Henry Grattan, I am a decided Unionist; but, while I believe that the unqualified maintenance of the Union is the only refuge Ireland can find from revolutionary anarchy, I am not blind to ills which the Union has—not caused, but brought in its train, and I have made suggestions for what, in my judgment, would be adequate remedies. If I have commented adversely on the agitation which in different forms has convulsed parts of Ireland during the last fifteen

years, and if I have censured the conduct of certain public men, I am convinced I only express the opinion of the great body of educated intellect in England, Scotland, and Ireland on these subjects. I may anticipate an objection which may be made by critical purists and by heated partisans, that a judge has no right to meddle with these questions or to write upon them; but a judge does not forfeit his title as a citizen to declare his views on politics and politicians, and, not to refer to illustrious examples in the past, eminent judicial personages have of late years placed on record the conclusions they have formed on Ireland and Irish affairs in language far more emphatic than any I have used. For the rest, my judicial conduct during nearly a quarter of a century would, I believe, be a sufficient protection from any aspersions of the above-named character.

WILLIAM O'CONNOR MORRIS.

GARTNAMONA, TULLAMORE,
August 19, 1894.

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MEMORIES AND THOUGHTS OF A LIFE

CHAPTER I

ANCESTRY AND FAMILY

THOSE to whom length of days has been given may do what was done by Old Mortality, dwell with sympathy on the buried past and retrace what they have seen of its records. Mine has not been an eventful life, but distance lends enchantment to the view, and a somewhat large experience of men and things, extending over more than sixty years, and standing out in the softened light of memory, may be interesting to a new generation. My reminiscences go back to the Brighton of William IV., to the great world of London of the first days of Victoria, to the Oxford of the Tractarian movement, to the England of coaches and the old poor-law, and I have noted the numerous changes which have transformed the nation and the face of the country in many respects since that era, all the more carefully, perhaps, because I am not an Englishman. My lot has been chiefly cast in Ireland, the land of my parentage, birth, and

home, and the accidents of life have brought me in contact, from boyhood, with almost every part of the distempered frame of Irish society, and with Irishmen of all sorts and conditions—have made me familiar with Irish affairs and Irish history for half a century, have enabled me to witness and reflect on Irish movements of every kind from the days of O'Connell to those of Parnell, and have given me opportunities not possessed by many to observe and to study the Irish question, that mysterious problem still unsolved by statesmen. Let me add that circumstance and association, all-powerful in forming human opinion, ought to have made the views I have formed on Ireland, be their faults what they may be, fair and impartial—a quality of special value in this instance.

I was born in the year 1824, but, as I revere my ancestral images as devoutly as any Roman patrician, I must say a few words of my parents and kinsfolk. My father was of "the English in Ireland," sprung from a race of Staffordshire freeholders—the old feoffments of their lands are still extant—which emigrated to Ireland in the reign of Charles I. How they fared at Waterford, where they had settled, during the wars of Cromwell and William III., when the Irishry rose against the British colonists, and atrocious deeds were done on both sides, does not appear in the family archives; but in the reign of Anne, when Ireland had been finally subdued, they had become Waterford merchants of good

position. I have read old papers showing how they traded with success with our American plantations and with Bristol and Glasgow, and the name of Morris is repeatedly found on the rolls of the mayors and aldermen of the "unconquered city," the device of the ancient Danish town on the Suir. Commerce in Ireland, however, was in the bonds of restrictions especially close and severe, though formed on the ideas of the day—the "sæva indignatio" of Swift is not always true—and in Waterford, as in every other place in Ireland, Protestant ascendency made merchants a mere sectarian caste, monopolists with privileges of the most exclusive kind. All this was fatal to the development of trade, and Irishmen besides, with noble exceptions, have not followed the pursuits of commerce with the stubborn perseverance of the same class in England. The names of the chief Waterford burghers of the last century have disappeared, very different from what has been the case at Bristol, a community analogous in some respects; and my father's family were like their fellows. They settled on the land and became squires, intermarried with the Wexford and Waterford gentry, Carews, Blackers, Boyses, Powers, Walls, Pauls, and played, doubtless, the roystering parts of the Irish Osbaldistones of that reckless age, when an Irish gentleman was free to do anything. Yet their associations with the past were not wholly effaced; the town-house of the ancient burghers remained

in their possession until quite lately, and one of their descendants always held, in my time, the place of honour on the Grand Jury of the city of Waterford.

My father witnessed events in childhood which made a profound impression on his mind. The beautiful tract extending between the streams of the Barrow and the Slaney was the theatre of the direst scenes of the great rising of 1798; Wexford was occupied by the "rebel army," and Dublin for a time was in great danger. My father and six or seven young cousins were huddled at night into a small coaster, and took refuge for some months at Clifton. Many years afterwards I went over the house at Princes Buildings which had been the abiding-place of the little exiles; and some of them afterwards became wives and husbands, probably owing to the associations of those evil days. Like most of the boys and youths of his rank, my father received an English education; this was the policy of the dominant race in Ireland; nothing tended more to keep it apart from the Irishry. He was at Winchester for three or four years, and he often used to dilate on the hardships of a journey to and from school in those days; the wettings of the ferry at Passage, the yawning ruts of the roads in South Wales, and the voyage from Milford to Waterford in smacks not equal to fishing trawlers. From Winchester he was sent to Christ Church; but his recollections of Oxford had no interest; he was not

a reading, a hunting, or a boating man, and he did not emerge from the common herd, though his intelligence was rather above the average. Two anecdotes of those years he often repeated. His tutor, afterwards a distinguished bishop, asked the freshman, on being introduced to him, "if Waterford was not somewhere in Ulster;" and a Christ Church divine renowned for his profound scholarship was wont to blurt out to young masters preparing for Orders, that "the Fathers were all very well, but were damned bad Greek." Oxford Dons, as a rule, were never given to swearing, but I am not quite sure that even now their knowledge of the geography of Ireland is not somewhat hazy.

Two of my father's brothers were men of mark in the counties in which their lot was cast. The eldest brother, William, who had assumed the name of Reade added to Morris under a will, was educated at Eton and Christ Church; and at Oxford he became a friend of Peel, then an undergraduate of the very highest promise. He took a double second, as Whately did, in the first year, I think, when Class Lists were formed; and he afterwards ate a few terms at the Temple; but his knowledge of law was a smattering only, and in his case proved a dangerous thing. He thought he had an absolute right in succession to a good estate in the county Kilkenny, and he fell out with the owner in possession for trying to cut down a few loads of timber, believing that he was a mere tenant for life. But

alas! for the mysteries of "Shelley's case" and the inscrutable phrase "dying without issue." The disputants appealed to their lawyers, and my uncle was told he had better compromise, for his opponent could probably do as he pleased with the estate. The arrangement made him a poor man for many years; but he was able, thrifty, and energetic, and when at last his inheritance came to him, he became one of the most improving landlords and prominent gentlemen of the county Kilkenny. The generation was one when Irish squires, feeling as yet secure in their territorial rights, and not meddled with by the "Castle," did a great deal of most excellent work, and my uncle built a very fine mansion, turned a barren hill-range into a beautiful demesne, and changed wastes of moor into good corn-land. He was also a capable and fearless magistrate during years of social disorder and trouble, when the post was arduous and not without danger; and his intelligence often raised him to the head of the County Grand Jury, and gave him a place above wealthier magnates at local gatherings. His labours, however, have proved fruitless—such is the vanity of human things; the estate, which it was a main object of his life to transmit to his heirs in perfect order, will soon, I fear, pass into the hands of strangers. Hundreds of the best Irish families can tell the same tale.

The second of my father's brothers, Shapland, was of a weaker but most amiable nature. He served through the Peninsular War, was promoted after, I

believe, Busaco, and. was wounded at Salamanca at the head of his company. He was fond, like Corporal Trim, of describing feats of arms, and as a child I used to hang on his lips as he told, as Bugeaud wrote many years afterwards, how the shaken column recoiled from the steady red line, and the cuirass blazed in vain against the British square. He was at St. Helena for a short time during the years of Napoleon's sad captivity, and his reminiscences of the great exile had some interest. The first words the Emperor addressed to him were, "You are an Irishman, I am told, but where do you come from?" and on learning that his home was Waterford, Napoleon replied, "There is a little fort near the harbour, and your Government did not know, as I did, that every one of the guns was honeycombed." The fallen conqueror, too, discussed Salamanca with him, amazed him by his extraordinary acquaintance with the details of the battle, often said how highly he thought of the British infantry, and at Longwood was courteous in the extreme to the officers in the adjoining camp; but he never spoke to them when on the odious duty of attending him in his rides, and acting, in fact, as spies. My uncle soon afterwards left the army, and spent long years, adorned with good works, not far from the town of his merchant fathers, inhabiting a villa which had belonged to them. Few men of his day had more troops of friends, and was more loved and respected as he held his way along the sequestered vale of life.

My father was one of the crowd of foreigners who visited France after the fall of the Empire. He was wont to dwell on the wretched look of the country and the people ruined by war, but, like Lady Burghersh in her delightful volume, he was disgusted with what he thought the levity and ingratitude of the French character, seen at its worst in 1814–15.

"Nous ne voulons pas ce petit Roi de Roma;
Nous ne voulons pas ni lui ni son papa,"

was the refrain of a ditty in the mouths of many a postillion on the great roads, and the reaction against Napoleon was a White Terror. My father took Orders in the late Established Church of Ireland about the year 1818, and his first cure was that of a small Protestant flock in Callan, a county Kilkenny village, which a bet had lately transferred at a racecourse. The Church at this time was at its lowest ebb, and its ministers, the pastors of a mere caste, and in the midst of hostile Catholic masses, were in a position unfavourable in the extreme to ability and zeal in their sacred calling. Yet my father would have probably risen in the Church had he made his profession the chief work of his life. Of a most amiable and attractive nature, he had the excellences of a Man of Ross; his high-breeding and refined tastes made him welcome in the best Irish society, and in politics and feelings he was distinctly Liberal, for he had felt the influence in youth of kinsmen who had been friends of Grattan in the old Irish Parliament. In

the days when the Established Church in Ireland was under the control of Whig Ministers, after the Revolution of 1832, a clergyman who, unlike most of his brethren, had been an advocate of the Catholic claims, and supported the "National" system of education, might have had a good chance to become a bishop; but though he remained an acting parson, an accident changed the course of his life. He married in the year 1822; his wife was a sister of Catherine, Lady Desart, whose infant son possessed large estates in the counties of Tipperary and Kilkenny; and my father was made the responsible manager of the property under the Court of Chancery. This occupation engrossed most of his time; it was not inconsistent with clerical duties, as affairs stood in the Established Church, where all kinds of abuses flourished; his bishop, indeed, gave a hearty assent; but it marred his prospects of high advancement.

My mother was a daughter and co-heiress of Maurice Nugent O'Connor of Mount Pleasant, or Gartnamona, the old Irish name, restored to the place in this generation. Mr. O'Connor was a well-known personage in the Ireland of his day. The fortunes of his family strikingly illustrate the melancholy vicissitudes of Irish history. He was the representative of the heads of the great clan of the O'Connors of Offaly, who for three centuries were the terror of the Pale, and more than once frightened Dublin with the Celtic foray. During this period the princes of the name intermarried with the great Norman-Irish houses,

founded abbeys, built castles, and lived in high state; for nothing is more untrue than the idle myth that the leading Irish chiefs were mere rude barbarians. Brian, the ruler of the tribe, married Mary Fitzgerald, the sister perhaps of Surrey's Geraldine, and a daughter of the illustrious House of Kildare; and Lady Mary O'Connor brought up the young heir of the Earls of Kildare in the wilds of Offaly, when King Henry VIII. had marked down the race for destruction—an act of pious care long preserved by tradition. The fortunes of the O'Connors rapidly declined as the power of the Tudors overleaped the Pale. Offaly was changed into the King's County, and peopled with swarms of English settlers, and the last chiefs who had the rank of princes were almost extirpated in the seventeenth century. Yet these men fought gallantly for their homes and their faith; one crossed swords with Ireton, not without success; another served perhaps under Turenne; a third became the founder of the noble house of the Condés of Ofelia in Spain. After the Restoration and the Act of Settlement, we find descendants of the old chiefs described as "innocent Papists of little account," but at the great rising of the Irishry in the reign of James II., John O'Connor, the undoubted heir of Brian, sat for Philipstown in Tyrconnell's Parliament, and it is supposed perished on the field of Aghrim, when the "red eye of battle closed in despair" on the hopes and the struggles of Catholic Ireland. His lands were forfeited, and for more than thirty years

the name vanishes from the annals of the King's County.

The O'Connors, however, have been true to their blazon; their uprooted oak still has green branches. Maurice, the eldest son of the proscribed Jacobite, borrowed £100 from a local attorney—a minute of the loan is in my possession—and left Ireland to seek his fortunes in England. His career is a blank for a long period, but he must have conformed to the Protestant faith, for he became a member of the English Bar, and he certainly amassed considerable wealth. About 1720 he was the owner of three divisions of Tunbridge Wells—Mount Sion, Mount Ephraim, and Mount Pleasant; and I have often thought how ill it was for his heirs that he did not retain his English estate. But his eyes, doubtless, turned to the old lands of his fathers; he sold all that he had at Tunbridge, and he regained a portion of the O'Connor domains, calling the place Mount Pleasant, perhaps on account of his associations with the gay town of Kent. He bought also a large estate in Roscommon—a county of which I am now the judge; and the price of these lands in 1725 and 1826 ought to bid Irish landlords not to despair. He gave £7500 for a tract which his great-grandchildren sold for £67,000, and which fetched £90,000 some twenty years ago.

Maurice O'Connor, though a professing Protestant, was still, probably, attached to the faith of his race. He married Mary, a daughter of the great Catholic

house of Fingall, one of the noblest in Ireland. He was always looked upon as the restorer of the family in its later traditions, and probably he was a remarkable man. The fortunes of his brother, Richard, were very different; he was in the ranks of the Irish Brigade, and, it is believed, was an aide-de-camp of the renowned Villars on the fields of Malplaquet and Dénain. I have been unable to trace his history; but he left descendants, who probably served in the heroic bands of the Irish exiles, "ever and everywhere true" to the Bourbon lilies—the noble device of their famous standards—and some of these perhaps followed Napoleon's eagles. I cannot find, however, that the family sent other scions from Ireland to the Brigade; but a kinsman of the race rose to high eminence in the armies of Austria, another Power which welcomed the Catholic Irish soldier, and had Browne and Lacy among its most distinguished chiefs. A petty ruined house in the county of Westmeath—I have often gazed on the place with emotion—marks the spot whence the late Field-Marshal Nugent, proscribed for his creed in his own land—set off when a boy to serve under the flag of the sons of the Empress Maria Theresa. The exile was a colonel on the field of Austerlitz; distinguished himself greatly in 1813–14; was Radetski's most trusted companion in arms in the memorable campaign of 1848; and, like the old war-horse still mindful of the charge, rode by the side of his master, Francis Joseph, near Solferino when in his ninetieth year. In the Ireland

of his youth he would have simply been a pariah of somewhat high degree, despised by the Barry Lyndons of a bad ascendency. Let no one suppose that memories like these have nothing to do with the Irish question; the ancient noblesse of Catholic Ireland have still Austrian and French sympathies, and I can say for myself, though not a Catholic, that Sadowa and Sedan gave me a bitter pang.

John O'Connor succeeded his father Maurice, and married the daughter of a house belonging to the stem of the O'Connors of the King's County. The Malones, so called from Malowen O'Connor the Bald, in rude ages a name of reproach, had the usual fortunes of the Irish chiefs, and well-nigh perished in the seventeenth century. The family, however, had marked gifts, especially the singular aptitude for law, which has been a characteristic of many famous Irishmen. Like others of the Catholic noblesse, they turned Protestants, for otherwise they could not rise in life; they gave three judges to the Irish Bench, and produced the best commentator who has edited Shakespeare. The most eminent of the house, however, was Anthony, whose niece was John O'Connor's wife, and who was one of the great Irishmen of the first half of the eighteenth century. Anthony Malone was the most eminent Irish lawyer of his day; became Chancellor of the Exchequer in the Irish Parliament, and was also one of the small patriotic party—the successors of Swift and, in some degree, of Berkeley, the precursors of the well-known Volunteers—

who opposed the "English" or "Castle" interest in the strange assembly that sat at College Green. Grattan knew Anthony Malone in his decline only; but he has left it on record that his eloquence was not inferior to that of the first Pitt and Murray, and he was unquestionably a statesman and a true orator. Yet his most enduring title to honour was this: a scion of the old Catholic race, he retained through life a reverence for its faith, and he held many Catholic estates in trust for their rightful owners during dark days when an Irish Catholic could not possess a freehold—a trust carried out with the most scrupulous good faith. An admirable portrait, from the hand of Reynolds, of this eminent worthy still exists; it has faded much less than most Reynoldses, and it ought to find a place in the fine collection of the pictures of celebrated Irish lawyers made by the Benchers of the Bar of Ireland.

Anthony Malone, however, like Lord St. Leonards, was no exception to the rule that great luminaries of the law have in their own case committed grave mistakes. Many years ago, in reading the title to an estate, I discovered that a youth who had been his ward made Anthony a considerable gift of lands the day after he attained full age; the transaction, doubtless, was not fraudulent, but it could not have stood for a moment in a court of equity. Another unfortunate error of the renowned lawyer caused protracted litigation at enormous cost, which continued down to my own time. In 1776 Anthony made a will

bequeathing his estates to the late Lord Sunderlin, but "not entertaining the least doubt but that his nephew would settle them in his name and blood;" and even an attorney's apprentice would know that a dangerous pitfall lay behind these words. Lord Sunderlin took possession of the lands, worth from £14,000 to £16,000 a year; never thought of making a settlement of them, and, in fact, treated them as his own; and what is more, a Chief Justice of the King's Bench in Ireland, with Anthony's will staring him in the face, lent not less than £30,000 upon them. On the death of Lord Sunderlin in 1826, a whole series of claimants sprang up, insisting that he had been a trustee only of an estate held on a "precatory trust" for the descendants of the testator "in name and blood." The House of Lords ultimately took this view, and it directed that the claimants might establish their rights. The estates at this period were in the hands of a woman of remarkable force of character; she stood defiant against all intruders, and after numberless lawsuits and endless troubles, she defeated every challenge of her title, chiefly owing to the difficulty of proving Irish marriages. I was at the Bar when the last trial took place; but Time, "moving with healing on its wings," had made the asserted claim obsolete, and Mrs. O'Connor Malone was left at last at peace. To do her only justice, she took great pains to ascertain, when the victory was won, who could be deemed Anthony's "name and blood," and she settled the estates in this line before her death.

My maternal grandfather, Maurice Nugent, was the successor of his father, John O'Connor. A curious incident of his early manhood shows what a change has passed over the mind of the aristocratic order in England and Ireland in all that relates to domestic relations since the two countries, in the course of a century, have in many ways drawn more near each other. During the last fifty years no kind of distinction has been made between English and Irish gentlemen at the great English universities and schools or in the best circles of London society, and the classes in high life in England and Ireland have blended with each other freely in marriage. It was otherwise about the year 1779; in those days a Geraldine was deemed no match for a Fox, and the English nobility looked down on their Irish fellows as the patricians of the Golden Book of Venice looked down on the patricians of the Terra Firma. My grandfather felt the effects of this prejudice. He became attached to the daughter of a noble house in the West, and as he was a gentleman of good estate, of ancient lineage, and of a most distinguished mien, brought up, too, at Eton and Christ Church, there was no rational obstacle to the lovers' union. But he came from Ireland, and that was enough. Squire Western was not more indignant with his Sophia for daring to think of Tom Jones than this English Earl—I withhold his name—was with his daughter for listening to the suit of an Irishman.

After this disappointment, my grandfather settled

as a bachelor on his Irish estates for years. He became one of the best sportsmen of his day, was the breeder of the famous O'Connor setters—dogs whose equals I have never seen—and was one of the first Irishmen who rented a grouse-moor in Scotland. He found time, however, for better pursuits: a man of real culture and exquisite taste, he made part of his lands a charming demesne, and, with a reverence for the past which did him honour, he inscribed on the mansion he built afterwards a scroll which records that he "was the heir of the Ofelia Princes." He had many friends also among county magnates; Giles Eyre, Dan Lambert, and Dennis Bowes Daly, leaders of the squirearchy of the West in that day, were often found at his hospitable board. Yet, if family tradition does not err, he had little sympathy with men of this type, heroic specimens of much that was bad, as well as of brilliant and high qualities, in the aristocratic Irish life of the period. The charges, indeed, made against this order by passionate agitators since O'Connell's time, that it formed an odious caste of rapacious landlords, the cruel tyrants of down-trodden serfs, are greatly exaggerated or wholly false; these were the vices of the hard-fisted squireen or middleman, as he was usually called, and not of the true Irish gentleman of the last century, well portrayed by Lever in his "Knight of Gwynne." But the Irish aristocracy of that time, the creatures of a bad domination of creed, if generous, free-handed, and, in the great mass of cases, kind and liberal to

the dependents around them, unquestionably had many of the worst faults of the *seigneurs* of the old *régime* in France, with whom they had a variety of points in common. They were extravagant, given to all kinds of excess, hard drinkers, gamblers, and most reckless duellists; and courtly and lofty as was their bearing, they were "lords of themselves, that heritage of woe," and scarcely under the wholesome restraints of law. A curious illustration of this last circumstance is given in a tradition about my grandfather, which I often heard from old men when a boy. He was an upright and intelligent magistrate, but there were no Petty Sessions courts in that age in Ireland, and his administration of justice was of a most singular kind. He used to adjudicate on offences under an aged tree, still standing, in an adjoining demesne, and his customary sentence was that a culprit should get a good ducking in a lake hard by!

My grandfather, however, was a great deal more than a country gentleman of high degree. He took an active part in the movement of 1782, and was a follower and friend of Grattan, of Ponsonby, and of other great Irish worthies. He never sate in the Parliament at College Green, but his influence in the King's County was great; and, with his kinsmen of the house of Malone, he often turned the scale at county elections. He was long the only member of the King's County gentry who earnestly supported the Catholic claims, and he cordially dis-

liked the violent partisans of Protestant ascendency among the neighbouring squires. But above all, he was the friend and protector of the Catholic peasantry far and wide around him; they looked up to him as the heir of their not forgotten chiefs, and his authority with them was immense and far-reaching. This was especially seen in the terrible rising of the conquered race in 1798; he kept "the rebels" quiet in his own district by persuasion and denouncing their folly; he went security for their good behaviour, and he saved them from the horrors of civil war and anarchy. More than one descendant of "the men of 1798" has told me how "Maurice Nugent O'Connor rescued their fathers from the grasp of the hangman;" these memories live to this hour, and, far more than any merits of my own, they have stood me in good stead in the agrarian troubles which have agitated Ireland of late years. One incident of these evil days illustrates what my grandfather was and the manners of the day. The son of a wealthy usurer, who had become a squire of large possessions some years before, an officer in a corps of the "loyal" yeomanry, hung a dead cat on the altar of the place of worship of the Catholic population of a neighbouring village, a premeditated and atrocious insult. My grandfather horsewhipped the offender at a fair of the day, and, with the approval of friends he consulted, refused the challenge of a *parvenu* upstart, so that the pistol did not decide the quarrel. But the usurer, like Shylock, had the

gentleman's bond, and enforced it without delay or scruple; the arm of the law avenged the injury. My grandfather was compelled to leave his home for a time, and ultimately to dispose of part of his estates.

My grandfather married, rather late in life, the eldest daughter of Sir Thomas Burke, of Marble Hill, in the county of Galway. The fortunes of this family throw light also on the social state of Ireland in the last century. The Irish Catholics, though proscribed by law, and cabined and confined in every walk of life, produced, nevertheless, many able men, and adversity quickened perhaps their energies. They made a great deal of money in trade, spite of the hindrances which beset their path, and when the Penal Laws were slowly relaxed, they gradually acquired large landed possessions. This was the case with the father of Sir Thomas Burke; he began life as a mere Galway squire, but the American War raised the price of stock and made Cork an immense market, and he died owner of considerable estates. His son, Sir Thomas, a very shrewd man, was one of the class of "loyal" Irish Catholics which it was the policy of Pitt to mark out for distinction; he raised a regiment in 1798 at his own expense, contrived to have his son appointed colonel, and was made a baronet by the approving Minister. Sir Thomas Burke was the father of a very fine family, and three of his daughters made remarkable matches, if we recollect their social

position. One, a woman of strong parts and quaint humour, became the wife of the Lord Clanricarde of the day—the sovereign lord of the wilds of Galway—and having rescued the Clanricarde lands from the grasp of creditors of all kinds, passed the later years of her life in Dublin, her house always open to those of her kin, even to cousins, however remote. Another daughter married Sir Henry Tichborne—the owner of estates torn in our days by litigation perhaps without a parallel—and became the mother of five lovely women, still remembered as the five belles of Hampshire. The third daughter became Lady Strangford, and was a parent of George Smythe, Disraeli's Coningsby—a man who must have risen in the state had not premature death cut short his days—and of Ellen, the first wife of the present Lord Sligo—she too carried away before her time, but rich with the graces of a most attractive youth.

Mr. O'Connor died in the year 1818, regretted far and wide in the traditions of his race, and even now his memory is not quite forgotten. When I became a member of Kildare Street Club, several old gentlemen greeted me as one of his blood; and not long ago I was given a setter, "for Maurice O'Connor's grandson was entitled to a good dog"—the message sent by the kind-hearted donor. Mr. O'Connor's only son died while still in his teens, and his estates passed to his four daughters, my mother and her three eldest sisters. The first of these was Catherine, Lady Desart, to whom I have referred before, a woman of extra-

ordinarily noble presence, and in youth of remarkable beauty, and excellent in every relation of life, if somewhat rigid and prim in her ways, and somewhat deficient in strength of character. She married in the year 1817; her husband, the second Earl of Desart, was one of Peel's most intimate friends, and certainly would have become eminent, but he died young, leaving a son, an infant, whose estates, I have said, my father managed. Lady Desart afterwards married Rose Price, a scion of an old Cornish family, and well known in the gay world of his day; and she became the mother by him—he, too, did not live long—of a daughter—I still think of her as Maria Price—perhaps the oldest friend I have in the world, a woman of singular charms and gifts—I would place her letters beside those of Sévigné, if not exactly of the same style—and still a great lady in the county of Kildare.

My Aunts Julia and Mary were twins; the first showed the old sympathies of her race, became a Catholic, and never married; the second was the wife of Hugh Morgan Tuite, of Sonna, in the county of Westmeath. The Tuites were a race of old Danish blood, followers of Hugh De Lacy when he overran Leinster, and foremost among the baronage of the Pale; and in searching their papers years ago, I lit on an ancient patent which gave proof of their power. In the sixteenth century—a compromise, no doubt, between feudalism and the growing strength of the Crown—they were allowed to let two malefactors free every year at the assizes of two counties.

The Tuites suffered much in the civil wars of Ireland, but they continued to retain very large estates, and Sonna is one of the finest demesnes in Westmeath. Hugh, the father of Hugh Morgan, lived to extreme old age; he was a captain at the great siege of Gibraltar, and I recollect how he used to tell that he was near fighting a duel with the youthful Arthur Wellesley, then one of the aides-de-camp of Lord Westmorland, and how his pistol happily had not the chance of perhaps changing the fortunes of Europe. My aunt's husband, Hugh Morgan Tuite, was a fine specimen of one of the great Irish gentlemen of a past generation, who have left few like them. He had made the grand tour soon after the Peace, and he was fond of describing how Pauline Borghese, on a first introduction, showed her foot to him, insisting that he should praise "a perfect model," and burst into tears when she spoke of Napoleon—an anecdote very characteristic of her. Mr. Tuite, however, soon took to his ancestral lands, and during a long life was well known as one of the best and kindest of landlords, and a magistrate and grand juror of sound sense and judgment. He represented Westmeath, too, for many years in Parliament, in days when it was an honour to hold the seat; and he formed one of a class of politicians, long ago extinct, the patriotic Whigs of the school of Grattan. He refused a baronetcy as beneath his degree, and he steadily opposed, though on the same benches with him, the great increase Mr. Gladstone made in the

taxation of Ireland in 1853, a fact Home Rulers have thought fit to forget.

My mother, Elizabeth, was the youngest of Mr. O'Connor's daughters, and I shall not attempt to say all that she was; she will, besides, fill some space in these pages. She was of stately presence, and in youth beautiful; but her health was shattered soon after my birth, and she was an invalid from my early boyhood. She was a woman of remarkable force of character, but withal affectionate and kind-hearted, a good wife, a good mother, and a devoted friend. The only fault, indeed, I have heard laid to her charge was that she preferred me to her other children, and spoiled me before I had reached my teens: on this point I shall say nothing. My mother had certainly a quick temper, and to strangers might have appeared imperious; but she was much in request in good society, until she withdrew into the seclusion of home, to contend in vain against insidious disease. She had the faculty of command in no ordinary degree, was energetic, thrifty, and had an excellent judgment, and she managed the family affairs, not without success, at a most difficult and trying time. She is still remembered as "the good old mistress" by the peasantry around Gartnamona for miles.

CHAPTER II

CHILDHOOD AND SCHOOL-DAYS

HAVING described what in French would be called my "*milieu*," the associations of the past, of prodigious influence in forming the feelings and thoughts of men, I pass on to reminiscences of my own. The city of Kilkenny was the place of my birth, the most historical, perhaps, of the county towns of Ireland. Its suzerain for ages was the great House of Ormonde, and the burghers were often called out in "hostings" against the Desmond Geraldines and the "Irish enemy." It was the theatre of many of the Conventions of the Pale, given by a misnomer the name of Parliaments; and the famous "Statutes of Kilkenny," which aimed at drawing an impassable line between Saxon and Celt, were enacted at one of these feudal assemblies. In the seventeenth century it was the place of meeting of the Confederate Catholics, the first claimants of Home Rule under English auspices; for Charles I. in this matter was the true prototype of Mr. Gladstone, and the King lost his head for his conduct, while the Minister has only wrecked his party. Swift, with characteristic satire, described Kilkenny as a town "paved with marble and without smoke," but its streets in my childhood

were ill ordered, though its stone was intermixed with a rude marble, and its coal, if smokeless, has a disgusting smell. The old "City of the Nore," when I first knew it, had the aspect of many of the towns of Ireland, on which civil war has left its mark, and sectarian ascendency had stamped its character. The bastions had been breached by Cromwell's cannon, and showed huge rents in their shattered fronts; the noble churches and abbeys of the Middle Ages were ruins, still beautiful, though in mouldering decay. As for the town properly so called, it was an assemblage of grey-slated dwellings of the Georgian era, divided into numerous streets and alleys, the homes of the close Corporation, and the Protestant traders, who had the sole care of municipal life, and had a monopoly of commerce for a long period. But outside the *pomœrium* of this exclusive precinct stretched the "Irish town" of the conquered race, long lanes of squalid and ill-thatched cabins, running out into the adjoining country, a spectacle common to most of the towns of Ireland, and painfully suggestive of her mournful history. Time, I rejoice to say, has wrought a happy change in Kilkenny, as in other Irish places; the marked distinction between the town proper and the Irish quarter, if not effaced, has been to a great extent diminished, and a fine Catholic church overlooks in Kilkenny the broken structures of the ancient faith, in some instances piously repaired.

The house where I was born lay, so to speak, in

the shadow of the castle of the Ormondes beside Kilkenny. The old donjon had long been destroyed, and all that remained of the fortress of the past was a tower of the reign of Charles II., but the family was building a castellated pile, completed, I think, about 1850. The glory had departed from the great House of Butler, the most powerful in Great Britain in the days of the later Stuarts. The last Duke of Ormonde had been attainted in the Revolution that made George I. our king, and his descendants lived many years in obscurity. Their houses and lands, however, were in part restored. George IV. made the nineteenth Earl a Marquis, and the Ormondes, though for their rank poor, resumed their place among the chiefs of the peerage. When I was a child, they were still recognised as suzerains of the town of Kilkenny, and held feudal state at municipal gatherings; they had, too, a becoming consciousness of their time-honoured dignities. They devoted a yearly sum out of their scanty revenues to the restoration of their ancestral home and to the purchase of an admirable service of plate, and they were generous and princely in all their dealings. I have a vivid recollection of James, the first Marquis—a gentleman of noble and kindly presence—and of his magnificent sons and daughters, then in the bloom of youth. One of these, Lord James, was a well-known figure in Dublin society of late years, and was the handsomest man I ever met. I numbered him among my intimate friends. This generation of fine men and women,

after playing honourably their part in life, have passed away, with a single exception—Louisa, the respected widow of the late Lord Clermont—the elder brother of a Chief Secretary well known in Ireland, Chichester Fortescue, the present Lord Carlingford, and one of the best landlords of the county Louth.

About the year 1830, I believe, my father was appointed what was called a Reader of the Cathedral Church of Kilkenny, St. Canice, the patron saint of the ancient city. The Cathedral, though not large, is of great beauty, and has witnessed stirring events in Irish history. It was a place of meeting, I have said, of the Parliaments of the Pale and of the Catholic Confederates of Charles I.; and it was injured, defaced, and turned into a stable by the fierce Puritan troopers of Cromwell. When I first remember it, it had the neglected aspect, the squalor, and the look of meanness and decay characteristic of almost all churches, especially in Ireland, in the first part of this century. The fine painted windows had long disappeared, the walls of the building were thick with whitewash, the hideous monuments of the age of the first Georges marred the lines, in many places, of the majestic edifice. The interior of the church was boxed up with the frightful square pews of the eighteenth century, the organ was cracked, and the choir voiceless, and the services were a round of lethargic dulness. There was a significant feature, too, of the place which attracted my attention even in boyhood. The nave of St. Canice was full of

monuments in the admirable style of mediæval piety, noble knights and ladies of high degree recumbent in carved stone on the graves which held them. With scarcely an exception, these ancient names, Le Gros, Comerford, Walsh, and many others, those of the Norman settlers of the adjoining tract, have sunk into the ranks of the peasantry, their lands torn from them by confiscation and rapine, and still held by the descendants of a new race of owners. Here again we approach the Irish question. Let me add that St. Canice's has since those days been in some measure rescued from the vandalism of the past.

The Bishop's wife, my mother, and three or four other ladies were zealous of good works in those years, and addressed themselves to many benevolent tasks. The age was one when the Irish Catholic helots had begun largely to attract attention, and numberless well-meant schemes were devised to raise them out of degradation and want. These Dorcases of Kilkenny made excursions into the fetid alleys of the Irish town, endeavouring to induce the inhabitants to remove the dung-heaps accumulated round their wretched dwellings, distributing alms of all kinds, and, in fact, doing what in them lay to lift fallen humanity to a higher state of existence. I am quite certain they never dreamed of making proselytes under the pretext of doles, and of tampering with religion in the name of charity, as has too often been done in Ireland; but probably they were too high in their bearing, too patronising in their ways, without meaning it, to stir

the hearts of a people of strangers, and of a singularly sensitive and suspicious nature, and little real success attended their efforts. I have seen the same failure in other places. A great Irish lady asked me some years ago to try to find out why her earnest attempts to improve the condition of the poor around her had proved fruitless, and had only bred ill-will. "Why does she come to us?" said an old crone to me, "stepping out of her carriage in her grand hat and feathers, and treating us as if we were her slaves; we don't want fine people of this sort." It is not in this way that Sisters of Charity have wrought wonders in their missions of good.

My father and mother liked society, and when at Kilkenny saw a good deal of company. It is unnecessary to dwell on the names of their guests. When I was allowed to appear at dessert, my eyes were fixed on the blaze of scarlet and gold which usually filled a space at the table. Kilkenny was a considerable garrison town; officers, as always, were in request in Ireland, and in those days they wore uniform when they went out to dinner. The glittering epaulettes, the sabres, the spurs, the brilliant tunics, the gay hussar-jackets, were for me something like a dream of enchantment. I still feel that, but for an accident, I would probably have followed a soldier's calling. Waterloo men were sometimes found at the board, and I loved to hear them tell how the furious waves of the cuirassiers foamed against our squares in vain, and how even the Imperial Guard was at last

broken. A characteristic feature of these stories was the contempt in which the Prussians were held; "they had been well licked, and reached the field very late;" a strange judgment for this age of the worship of Moltke. Lord Henry Brudenell, afterwards the well-known Lord Cardigan, then Colonel, I think, of the 10th Hussars, was often one of our military guests, and he rented our house one summer season. He was as kind to me as a man could be to a child, and once put me on his charger, to my mother's horror. I dwelt with sympathy on his career in after years, and could never believe half of the stories against him. Long after I had attained the estate of man, a fine soldier-like figure kept me awake half the night on a railway journey by holding forth against "Lord Cardigan and his damnable ways," and I almost got into a quarrel with him. The stranger was Lord Lucan, and I often have thought that this anecdote throws light on the Crimean War.

Kilkenny was my home until I was ten years old, but with large intervals of time between. My health was injured in early childhood owing to the misconduct of a bad nurse—my case would have given a text to Rousseau—and I was placed in the hands of a well-known physician settled at Bromley, a country village in those days. I was under his care for some months in 1830 and 1831, and I can still recollect the strong impression made on my infant mind by the striking contrast between the cultivated and charming landscape of Kent and the ill-fenced and ill-drained

tracts of the county Kilkenny. My wanderings, however, at this period, were family migrations for the most part. My aunt, Lady Desart, passed several winters at Brighton, in order to have good masters for her son and daughter, then growing up; and on two occasions my mother and myself accompanied her and remained her visitors. The experiences of the travelling of the upper class between England and Ireland sixty years ago may have something novel and even amusing for this generation of express trains and telegraphs.

After a breakfast despatched at day-dawn in October, the wayfarers passed through a lane of domestics, bowing and curtesying farewell to "my lady," and entered a spacious family coach, followed by maids and footmen in vehicles in the rear. The caravan crawled at about six miles an hour along the roads between Desart House and Waterford; and well it was if the lean and hungry post-horses, ridden by "boys" of uncouth aspect, and the harness ragged and knotted in strange fashion, did not go to pieces as we toiled slowly onward. We used to reach Waterford in the early forenoon, and the carriage was hoisted on board through swarms of beggars—there was no poor-law at this time in Ireland—gesticulating, shrieking, and fighting for an alms, and through herds of cattle and swine, crowding the quay in multitudes. A steamboat—not as large as a tender of this day, with a long thin funnel and square-rigged masts—steam had not yet nearly replaced sails—lay puffing

and snorting by the landing-stage; and hours were spent in shipping the cargo, the occupants of the carriage taking refuge in it. We were at last under weigh, a motley assemblage of passengers, sailors, cows, sheep, and pigs, huddled together on a filthy and noisome deck; and fortunate it was if, after a voyage most detestable even in the finest weather, we reached the mouth of the Avon in thirty hours, and had a favouring tide to take us to Clifton. In passages of this kind the chief discomforts—and those who endured them know what they were—were the abominations of a cabin filled with sea-sickness, and the hideous groanings and gruntings of the animals above; but woe betide those who, in the weak steamers of those days, were caught in one of the tempests of the Bristol Channel. The vessel was a mere toy to the winds and waves, and often had to lie to, and scarcely moved for hours; and the scenes of misery and fear among the wretches below were not unlike the horrors of the Middle Passage. I was once nearly four days on the voyage; we went short of coal and burnt the cabin furniture, and we had to take refuge under the lee of Lundy, unable to make a mile of headway. On occasions like these the unlucky cargo of live stock was always ruthlessly jettisoned; the spectacle was enough to make one's blood run cold.

Our party, draggled, dirty, and sick, was landed at Clifton by the river-side, and found a haven in the old Gloucester Coffee-House, then an excellent hotel, now for years a barrack. The restoratives

of those days were curious; baths and tubs were not as yet the fashion, and we went into beds heated by great warming-pans, a specific, it was thought, to cure fatigue. The family coach was put to in the morning, and we set off through the narrow streets of Bristol in high heart on our way to Brighton. The bitter is sometimes followed by the sweet in life—such, at least, is occasionally the play of Fortune—and our journey during the next two days was enchanting. The roads were good and the posting excellent, all was beauty and animation as we sped onwards; the horn of the post-coach rang merrily out as it swept past us with its galloping team, its skilful Jehu, and its dusty passengers; smock-frocked carters and waggoners made way for us, turning lazily aside their beasts of burden; and now and then we came across horsemen in scarlet and hounds in the full flight of the chase. Then mile after mile and hour after hour the face of Merry England revealed its features, the villages with their old inns and sign-boards, the country towns with their busy markets, the spires and square towers of ancient churches, overlooking parsonages nestling around them, the trim fields laid out with their elm-topped hedgerows, the autumn woodlands encircling castle and mansion —the Merry England, in a word, not yet seamed by railways, or that crowded with ever-growing cities, which has been well-nigh transformed in the last half century. How delightful, too, it was to walk up hills and to stretch one's legs while the horses

rested, to pick the few flowers in the fading hedgerows, to watch the ostlers changing as if by magic our teams, as one stage succeeded another, to give thanks to a neat-handed Phillis for taking out a cup of tea to the ladies, to note the gay shops of Bath as we passed them, to gaze on the expanse of Salisbury Plain, and to think on the mysteries of Stonehenge. Scenes like these quickened the spirits of children, and Maria Price and myself often chattered so much that we used to get pennies apiece to keep silent. Our first day's journey ended, I think, at Havant, and a custom of the old inn at the place where we stopped for the night may be worth recording, though common enough in those days in England. The landlord and his womankind opened the carriage, escorted the travellers to their rooms, and waited upon them while they had their dinners. Ah me! for the vices of an aristocratic age; yet fraternity perhaps is as good as equality.

On the fourth or fifth day after leaving Desart, the travellers were in their abode at Brighton. The "Queen of the Seaside" sixty years ago was very different from the London-super-Mare which she had become even in the days of Thackeray. The town, a white front stretching along the sea, but with a mere fringe of streets landwards, had a population of some 20,000 souls, and the aristocratic quarter, at least, was confined to Regency and Brunswick Squares. The long expanse now alive with the world of Kemptown was then a down grazed

by a few poor sheep, and the miles of streets, animated by their gay shops, which have opened out to the rear of Brighton were fields still divided by scanty hedgerows. The old wooden chain-pier, even then shaky, and the Parade, perhaps a quarter of a mile in length, were the only promenades much in use, and the huge swarms of visitors and sightseers poured into the town on Sundays week after week had as yet shown not a sign of existence. There were no railways and very few hotels; the churches were of the "Low" type, their clergy of the Evangelical school—one of these was a really fine preacher—and the Pavilion, with its hideous pagodas and rich with the memories of George IV., still the first gentleman of Europe to the mind of Brighton, was an abode of royalty guarded by sentries. Brighton, however, was a delightful upper-class town; the society in winter was very good, people usually contrived to know each other, and aristocracy formed a kind of English Baiæ in a place long ago invaded by the democratic flood. A few well-appointed carriages rolled along the spaces now crowded with omnibuses and cabs, and locomotion in Brighton was even then wonderful. The coaches ran from London in less than five hours, more astonishing, perhaps, than express trains. Alas! for the old "Age" and Sir Vincent Cotton; it was well that Dickens appeared to keep these phantoms alive.

My cousin Desart, then in his early teens, a delicate boy of most noble mien, was at this time pre-

paring for Eton, and went every day to a school for his studies. We younger ones did not see much of him, but Maria Price and I were as brother and sister, and I daresay we both recollect how we were marched along the Parade in the company of a Swiss *bonne* and a demure governess, were exercised in the barbarous backboard discipline, which was then a part of the training of the young, were hardened by terrible salt shower-baths, and were plied with Miss Edgeworth's stories for children, while we secretly studied the "Lay" and "Marmion." A notable incident occurred one day. A royal carriage stopped as we were on the Parade, and two ladies—I rather think they were the late Princess Augusta and Mrs. Fitzherbert, the last held in honour by William IV.—asked who my cousin and myself were. A card came in due course commanding our presence at one of the children's parties which Queen Adelaide liked to get together at the Pavilion, and we set off arrayed in our best. I well remember the appearance of the Sailor King—a kind old gentleman, wearing the Star of the Garter, and dressed in a blue coat and nankeen trousers, who went fussing about and patting our young heads; but the Queen stood aloof on a kind of dais, a figure arrayed in white, and with a head of hair to be seen only on German ladies. The Duke of Cumberland (afterwards King of Hanover), and the Duke of Cambridge—still our Commander-in-Chief, then the Prince George—rather handsome lads, were also among the

royal people present, and we were, I think, at two or three of these parties. These were rather white days in our youthful calendar; but all conceit was taken out of me, at least, when, many years afterwards, I read, I think, in the "Greville Memoirs"—pages quite equal to those of St. Simon—how the King and Queen had a kind of craze to assemble "the children of the riffraff of Brighton" to gatherings at the Pavilion at night.

During this period, too, of my early boyhood our family usually went to the seaside in summer. Those were not the days of watering-places laid out with villas; our temporary home was a thatched cottage near Ballymacaw, a county Waterford hamlet. The place is still perfectly before my mind's eye. Rock-bound cliffs kept out the Atlantic rollers, beaten back from their walls in foaming wrath; but there were several bathing and boating coves, and the scenery of the neighbourhood was like that of Tenby. In this secluded spot we heard, many days late, the news of the passing of the great Reform Act, and, as well as I remember, of the siege of Antwerp; but the only event the peasantry minded was the cholera outbreak of 1832, which at Ballymacaw had not a few victims. The population of the village were a race of hardy fishermen—like those who cheated the immortal Monkbarns — whose boats used to put out from a little rude harbour, sheltered from wind and wave by the kind hand of Nature. I first learned from them how to sail and steer, and they formed a herd of

admirable "Toilers of the Sea," who gathered in their harvests from the adjoining waters. The terrible famine of 1846 and the competition of sea-going trawlers have swept away this fine stock of Irishmen; their cove of Ballymacaw knows them no longer. It is most unfortunate, I think, that they have nearly disappeared along the whole coast of the south of Ireland; the loss of their "*petite culture*" of the deep is national in a certain sense: it has deprived the navy of many good recruits.

I have an only brother, a little my junior, and by the time I was ten years old we had had governesses and tutors enough to force the brains of children into precocious growth. Those were the days of hard training for the youthful frame, and of hard teaching for the boyish mind; and I well recollect how I was boxed and cuffed if I missed a word in a page of Johnson, a lesson I was supposed to know by heart. One of our governesses at this time had a real part in shaping my thoughts, and even my course in life. She was a daughter of a general in the Grand Army; saw the Imperial Guard at the Champ de Mai, and took to teaching after the fall of the Empire. A brilliant and very clever woman, she filled my young mind with the deeds of Napoleon, which we studied together in French histories, and her devotion to the Emperor was intense and touching. "Il vous a enseigné son art," she was wont to say if we ventured to hint about British victories, and her eyes filled with tears at the name of Waterloo. I remember my

brother, who with a good heart has always had a spice of malicious wit, scoffing at her as we looked at a daub in an inn picturing the havoc Shaw wrought among stricken cuirassiers. "Taisez vous malheureux," she fiercely burst out, and she often reported to my mother afterwards that "ce pauvre enfant avait des colêres affreuses." She made me, however, love and value French—knowledge that has served me throughout life; and the fascination which Napoleon's career has had for me ever since these years is entirely due to her teaching. I am happy to think I have added a mite to the treasury of the records of that supreme genius — even now little understood in England—and have uttered a protest against his slanderers; my sketch of Napoleon in the "Heroes Series" having had something more than ordinary success.

Our family left Kilkenny in 1834, and settled at Newtown, a country place, which we rented from a brother of Lord Ormonde. The house was good and the land beautiful, stretching along the banks of the King's river, a feeder of the Nore, the chief stream of Kilkenny. My brother and I learned then how to shoot and fish; and I well recollect the first rabbit I killed, and how pike, trout, and gudgeon fell to our rods, uncouth instruments for anglers of this day. The place was only a few miles from Desart House, and my mother and myself were repeatedly on visits to my aunt. Desart is a fine structure of the early Georgian era, built of cut lime-

stone, like many Irish mansions, with large gardens and far-extending avenues, the favourite Irish beeches dotting the adjoining lands, and edged at one side of the park by a forest, the lair of foxes, and martens, and flights of woodcocks. The place had been neglected in the first part of the century, but my aunt, one of the best of châtelaines, improved it in every conceivable way, put a new roof on a house in decay, laid out shrubberies and gardens with excellent taste, and built a sunk fence to enclose the innermost demesne.

The House of Desart sprang from a Cromwellian soldier, who obtained a grant of the lands of the ancient St. Legers, retainers of the great Earls of Ormonde; and the portraits of the descendants of the successful trooper always seemed to my boyish fancy to wear the sour and fanatical look of the Puritan. The fortunes of the family were of a piece with those of many of the conquering settlers. They lived on their lands like rollicking squires, hunted, gambled, caroused, and did worse things; became good landlords of a submissive peasantry, who treasured down to my time the name of "John of the Cap," a Nimrod of his day, and through borough influence in the Parliament at College Green acquired the rank of Barons and Earls. Yet the memory of the St. Legers still survived, and I perfectly recollect how an aged keeper at Desart—a determined rebel in 1798—used to tell me of those old Lords of the Pale, and [to add "what a shame it was that a Cuffe"—the Desart

name—"should presume to wed an O'Connor." One of the Ladies Desart, whose sister Lucy, Lady Howth, was an excellent correspondent of Swift, was also a friend of the great Dean, and the author of "Gulliver" and the Drapier Letters was sometimes a guest at Desart House. An incident of the Desart annals is curious; an heiress brought as her dower into the Cuffe family an exquisite service of consecrated plate, torn from a Spanish convent in Marlborough's wars, and a traditional curse has attached to the race for turning the holy vessels to profane uses. My father always wished that the plate should be given to the Chapter of the Cathedral Church of Kilkenny, to be placed again on a Christian altar, but the Desarts never would hear of this, and their fortunes have certainly not been prosperous.

Desart was a large if hardly a well-planned house, and my aunt saw a great deal of company. The society of the county in those days was excellent; there was a great number of resident gentry, and the standard of culture and taste was high. The private theatricals of Kilkenny were famous in their time; they brought out the genius of Miss O'Niell, and it was on this stage that the most perfect Juliet of her day made a conquest of the heart of Sir Wrixon Beecher. I was introduced to her when she was quite an old lady, and she remarked that she had never been better supported than by the amateurs of the boards of Kilkenny. Life in a country-house sixty years ago was very different from what it is now, a

second edition of the ostentatious waste of London. Dinner was at six, and bedtime at eleven; there were no banquets, lavish with exotics and plate, and no vulgar displays of extravagant finery. But visits were long, and often led to friendships; there was good conversation and good music, and life was less a sham and a struggle than it is at present. I was still too young to take a place at dinner, but the figures of some of these guests are still before me, as I observed them from a nook in the drawing-room. One of the most remarkable was Chief-Justice Bushe, an ornament of the old Irish Parliament, but though advanced in the vale of years, still radiant with the genial wit of his youth—a quality that has come down to his grandson, now a shining light of the Irish Bar. Another was Lady Dover, with her son Lord Clifden, a fair-haired lad, prevented by his father's will from being sent to a public school, with consequences that did not prove fortunate; and there were Ormondes, Bessboroughs, and other county families. One survivor, perhaps, of the gay throng remains, Lady Louisa Tighe, probably the only creature alive who witnessed the historic ball at Brussels.

Life, however, at Desart had a charm for me still fresh spite of Time's effacing fingers. Kilkenny was a celebrated hunting county, then by many degrees the first in Ireland, and Desart, now a fine Eton lad, took eagerly to the noble art of the chase. My aunt encouraged the taste for the sake of his health. The meets at Desart House were frequent, and I was

allowed to follow the hounds with my kinsman. He became a fearless and accomplished horseman in after years in the first flight at Melton; and I, too, learned how to cross a country, and even on a pony to be in at the death. The ecstasy of those days still touches my heart—the dash from the cover, over hedge and stone wall, the pulses throbbing with hope and delight, and yet with this the coolness and steady courage required to take and keep a good place, and the best quality, indeed, in a skilful rider. Let no one sneer at this glorious pursuit; it calls out some of the best parts of man, and in fact a true fox-hunter must possess gifts which make an active and successful soldier—presence of mind, calculation, resource, and daring. The love of the chase runs, I think, in our blood; not to speak of myself, who now look at a field as the aged monk gazed at William of Deloraine, a whole tribe of cousins have been real Nimrods, and my brother is now the well-known "Triviator" of the *Field*, though he took to the saddle rather late in life. I well recollect the Kilkenny field of those years, gallant gentlemen, for the most part of the landlord class, Powers, Bayleys, Savages, Cuffes, Ponsonbys, who sometimes met at the coverside with arms, for agrarian misdeeds were then common, and then, as now, hunting was occasionally stopped by mobs, but brilliant at a fence or over a bottle, gay, hearty, generous, and up to anything. I received kindness as a boy at the hands of many, and felt as a conqueror after a victory when

"Johnny Power"—the name is still held in honour—after daubing me with the blood of poor mangled reynard, insisted on giving me my first brush.

I was sent to a school at Epsom, in Surrey, when in my twelfth year. It was a private seminary—extinct long ago—the house about a mile from the old racing town on the coach-road to Leatherhead and Dorking, rather a quaint edifice of the Georgian era, such as is often to be seen in the metropolitan counties. The composition of the school was remarkable; we were, in fact, a colony of Irish boys, planted far from our homes in an English shire; out of about thirty youngsters, five-sixths were Irish. We Irish were of the aristocratic class, some children of public men of note; the late Sir Frederick Shaw, Recorder of Dublin, a politician of mark in his day, and the late Lord Roden, a lion of the North, as famous as Gustavus, in the eyes of Ulstermen, had several sons at "Epsom House," and, when Parliament was sitting, often came to see us. These visits quickened the taste for politics, which is deeply engrained in Irish nature; we had our mimic House of Commons and debates; and as it was the day of Lord Melbourne's shaky Government, dependent, like Lord Rosebery's, on the "Irish vote," O'Connell and his "tail" were roundly denounced by young Tories of Orange complexion. A Liberal minority, however, existed; and as I had always been brought up in that faith, I was in opposition, and held forth in that sense. For the rest, ours were the feelings,

the pursuits, the studies, exquisitely described in the ode of Gray; at cricket "we urged the flying ball;" made "excursions" into the realm of the Muses in the shape of bad English and Latin verses; took long walks over common and down; swaggered in our Sunday clothes up and down Epsom; stoned the cads, as we thought them, of a rival place of instruction; and, ignorant of human destiny, knew not "that we were men." Many of the companions of those days are gone; one or two perished before Sebastopol; the bones of others bleach beside the Ganges; some have fallen obscurely in the battle of life; hardly one has attained what may be called distinction. But Robert Fowler, a boy of the highest promise, now one of the most eminent of Irish country gentlemen, sagacious, calm, reserved, and in every sense able, still rules his paternal estate in Meath; and he must have stood in the first ranks of the Bar of Ireland had he not met an accident which made hard work impossible. My friend William Ruxton, too, of Ardee House, survives, one of the most genial of hosts and an excellent landlord.

I was at school rather more than four years, and have often wished I had never seen Epsom. The time was that when the genius of Arnold was purifying and transforming school life in England—not the least achievement of the nineteenth century. But no trace of his influence was to be found at my school—nothing of the lofty yet practical moral tone, of the strong sense of duty, of the sound and wholesome

piety which was characteristic of the best Rugby training. Our master was not a high-principled man, and, like Gallio, cared very little indeed about things of importance to form a Christian; he did not look after our moral culture; he was satisfied if we became fair scholars and were up to our work in mathematics and classics. Such a character is quickly seen through by boys; and if, on the whole, we learned much at school, we did not profit by our superior's example, and the standard of religion and morals was very low among us. I am not writing "Confessions" of Jean Jacques, and, indeed, it is mere sentimental folly to look back through the long buried past, and to moralise on the frailties of early youth. But I may say that we were rather a godless set, allowed too much liberty to go astray, not sufficiently checked in all kinds of faults; above all, not disciplined in that kind of self-respect and of duty which should be impressed on the young. We were, I daresay, not at all worse than boys at other small schools of the day; and, indeed, the sentiment of honour, and of what becomes a gentleman, was, as a rule, very strong with us. But many of us did things we had reason to regret, and bullying, profaneness, and precocious vice were only too common at Epsom House. One observation, however, it is but fair to add; one boy, and only one, was a blackguard, and he was compelled in later life to fly from justice on account of an odious charge.

We were confined to school during the Epsom

races, and, as a rule, saw nothing of the great Surrey carnival, save crowds of dusty vehicles with their loads of passengers hurrying to the Downs by many roads and avenues. The elder boys, however, sometimes broke bounds, and I beheld the Derby of 1840 won by "Amato," a bright bay of Sir Gilbert Heathcote's —"a large-acred man," as his ancestor was described by Pope—and the popular Lord of the Manor of Epsom. I had often witnessed a race before, but the mighty rush of the steeds on this occasion as they flew past the grand stand, with their many-tinted jockeys, and the frantic delight of the cheering spectators, was a sight that I can never forget. Epsom Downs on a Derby day at this time presented a very different spectacle from what it presents in this generation, when half London turns out to make the race a holiday. The grand stand was filled with a goodly company of sportsmen of note and of lords and ladies, and the course was dotted over with a large assemblage of people, with the fringe of carts, chaises, and gigs, of booths, gipsy waggons, and thimblerig tables, and other motley accompaniments of all kinds. But the "classes" were not yet lost in the world of the "masses"—a feature of the change which has passed over England.

The elder boys at Epsom, as their teens progressed, were allowed to do very much as they liked. On holidays we sometimes went to London, taking boat from Kingston to Westminster Bridge, and seeking out amusements not always laudable. We used to

fish in the Mole at Leatherhead, to walk to Boxhill, and even to Dorking, to drive miles on the top of Sussex coaches, and to wander through the galleries of Hampton Court. I was fond of looking at churches and old farmhouses, and on half-holidays often spent hours up to my knees in a great fish-pond angling for carp, a clever fish, not easily captured, and I believe utterly unknown in Ireland. I delighted also in rambling on Epsom Common, then an expanse of green turf interspersed with gorse, and of talking to the villagers, whose geese and pigs roamed over the waste beside their cottages, and I can well recollect how the new poor-law, then coming into operation, provoked their curses. This population has well-nigh disappeared; Epsom Common has been very nearly enclosed. Is this change in our social economy a change for the better or the worse in England? We oldsters, however, had other pastimes than those which properly belong to boyhood. A young ladies' school was not far from our own, and some of us had our Rosalinds and Violas. "Boy, disdain not sweet love," says philosophic Horace, that prince of men of the world poets. My choice was of a different type. I dropped a rosebud one Sunday into the pew of a very pretty girl, a butcher's daughter, and, spite of the terrors of the father's cleaver, we became acquainted, and often took walks together. But "Honi soit qui mal y pense;" it was an innocent and skin-deep flirtation. Many years afterwards I was glad to find the fancy of my teens a great blowsy

matron, plying the paternal trade amidst a troop of children.

I daresay, however, that, for the youngsters at least, the greatest delight of these school-days was going home to Ireland for our vacations. We were once imprisoned for three days in a coach from London to Liverpool—the old "Red Rover"—for the roads were blocked by far-spreading snowdrifts, and this after we had just got through an epidemic of measles. In summer we Irish used to travel by Bristol, and the drive along the Great Western road was enchanting, by Reading, Devizes, and once, I think, by Marlborough, not yet the seat of a great public school. But of these journeys the one I best remember was one from Dublin, by Holyhead to London, though "like a snail I was creeping unwillingly to school." It was the last stage of the great mail-coaches—marvels of locomotion, seen in England alone—and a glory shone over these expresses of the past. Having reached Holyhead after a passage from Kingstown—varying from six to fourteen hours' duration, it is done now in three and a half—and had a share in a most perfect supper, I set off at midnight along Telford's Road, one of the finest *chaussées* to be found in Europe, and reached Hatchett's in Piccadilly in twenty-five hours, a distance, I believe, of more than 250 miles. The horses, high bred without exception, were at full gallop the whole way; each change was made in about a minute and a half, and Dick Turpin's ride on Black Bess was almost matched in speed.

Alas! for the courteous guards and the smart knowing coachman—not in the least of the type of Mr. Weller, senior—who worked the Holyhead mail of that time; alas! for the breakfasts at Shrewsbury, and the merry suppers at Oxford in the coffee-room of the "Angel!" "We are dust and shadows," says the old Roman poet; "things fading away like the leaves of autumn."

I saw a good deal of London in those years, for Easter holidays were too short for a journey to Ireland, and I spent them, now and then, with kinsfolk in town. I shall not attempt to describe the London of that day; it is a familiar scene to many still living, and I was no more than a casual boyish visitor. But the change that has passed over that vast world of life since the first part of the Victorian era may have struck me all the more because I have never been more than a brief sojourner in the mighty capital. London was then a city of some million and a half of souls; it was a mere aggregate of separate towns; it did not wear an imperial look; it exhibited the bad taste of the age of the Georges, and the ruinous taxation of the great war, in mean streets and squares and pinched houses and windows. Nor did the town fade into the country insensibly, as it does now; nor was it the gigantic centre of luxury and wealth which it has become in the last half century. The public buildings were for the most part paltry, the Houses of Parliament were only just begun, the neighbourhood of the Abbey was an Alsatia not yet opened

by Victoria Street; the City, compared to what it is now, was a collection of dingy streets and warehouses; the shipping in the river was not the forest of masts that now extend for miles from the famous Bridge. The era of railways was in its dawn; few omnibuses were seen in the streets; hackney-coaches had scarcely been replaced by cabs; and there was nothing resembling the superb palaces which still go by the name of hotels. London is not yet what it ought to be—the finest as well as the greatest of cities—but the transformation I have seen has been wonderful. One striking feature of this change, and a significant feature, has also impressed me with much force. In those days only a few equestrians, with scarcely an exception of the higher orders, were seen in the spaces of Rotten Row, and the Park was kept sacred for a stately procession of not more, I suppose, than a hundred carriages, with their hammercloths and magnificent horses. Compare this with the same place now—scenes crowded with riders of all conditions, and with vehicles of all kinds in endless confusion, and reflect again on the advance of democratic England.

I had my first and my only glimpse of what is called society in London at this period of my life. My cousin, Lord Clanricarde, was a friendly kinsman, and I spent an Easter recess at his house in town. He was then, I believe, a member of Lord Melbourne's Cabinet, and the great world did not run away from London at Easter, as is the case now. I was

still too young to sit down to dinner, but I recollect the kindly good-humour of Palmerston and the dry coldness of Lord John Russell as at dessert I gazed on those renowned Whig magnates. But—for I was advancing in my teens—I was more attracted by the fair women who graced the board or came in the evening. I can call to mind the presence of Lady Douro, then one of the greatest and finest of ladies, and I was rather awed by the bearing of Lady Clanricarde, flashing with the wit and malice of her father, Canning. Then there were young scions of noble houses, radiant in the loveliness of first womanhood —Villierses, Lennoxes, and a number of others—then ornaments of the Court of a girlish Queen, now many of them gone, a few aged grand-dames. I can recall an anecdote of those evenings. Lady Caroline Leveson Gower, afterwards the Duchess of Leinster, one of the best and most kind-hearted of women, remarked to some one that "she and her sisters were pestered by shopboys, who threw all kinds of love-letters over the walls of the garden at Stafford House;" and the answer—a happy one, I think—was "On ne s'arrête pas dans un si beau chemin."

CHAPTER III

YOUTH AND OXFORD, 1840–48

In 1840 our family left Newtown and bade farewell to the county Kilkenny. Under arrangements which he had much reason to regret—I too have suffered from the same cause—my father became owner of the estate of my mother and her sisters in King's County, part of the lands of the late Mr. O'Connor. Gartnamona—I drop the Tunbridge Wells Mount Pleasant—means a garden in a bog in the English tongue, and the name is perfectly suited to the place. It is an oasis, like other spots of the kind, rising out of a vast tract of poor hills and uplands, hemmed in by far-spreading peat-mosses, which, edged on one side by the range of the Slieveblooms, and on the other by the great lakes of Westmeath, and bounded towards the east by the huge Bog of Allen, formed the ancient region of Leix and Offaly, the King's and Queen's Counties of Philip and Mary. The present mansion is a nearly square house in the bad style of the first years of the century, but the demesne, laid out, as I have said, by my grandfather, is a space of undulating land of some hundreds of acres, rising along the shore of the lake called Pallas, planted with admirable skill,

and rich with many beauties. It had been the site of the last of the O'Connor castles in Offaly as far back as the seventeenth century, but remains of other abodes of the race are still visible in several places, significant of their ancient descent and their fortunes. Around Gartnamona the country for miles is an expanse of bog, broken by large green intervals of plains and hillocks, dotted by peasant farms and diversified by the seats of a much-divided gentry; and the wide waters descend from this broad shed, a part of the great central plain of Ireland, until they reach the Shannon and the Barrow, the chief neighbouring rivers. The whole tract has a somewhat desolate look, though not without certain features of beauty, and I well recollect how, when first I saw it, it contrasted with the richer plains of Kilkenny, which, if rude when compared with an English landscape, were a part of the Pale of the Norman settlers. The King's County peasantry, too, were then, as now, not so fine a race as their Kilkenny fellows; in nature and disposition, in bearing and manner, they were and are inferior to a breed of men in many instances, I have said, of the best gentle blood.

I have always had a taste for observing the scenes and the people in every place I have lived in, and indeed of dwelling on social questions; but all this as yet made little impression on my mind. Yet I was deeply touched by the legends of the O'Connors, still the traditions of many a cottage around. The

scroll on our house telling me what they were, made me long to restore their ancient honours; and I can remember how I vowed to attempt the task as I stood by their antique place of burial, crowned with a marble slab of the fifteenth century, that records how they were "a stem of heroes," amidst the ruins of an abbey founded by their hands. Vain dreams; and yet perhaps not wholly vain. Let youth ever have its quest of the Sangrail; and, impossible as these ideals were sure to be, they urged me onwards in my first essays of life. My time at Gartnamona, however, while I was still in my teens, was chiefly occupied with ordinary boyish pursuits, more healthy, no doubt, than sentimental musings. There was little hunting, but the shooting was fair, especially with the noble O'Connor setters, of which specimens were still extant; and the lake would have roused a Thames angler to ecstasy. Huge pike lurked in its sedgy recesses; it contained perch that occasionally ran to five pounds: and its tench were the largest in the three kingdoms. My brother and myself, when home for the holidays, did much execution among these finny droves; and a few years ago I sent Mr. Francis of the *Field*, the prince of the fishermen of his time, three monster tench, weighing more than eighteen pounds, a sight of which he never beheld the like.

In my seventeenth year I left Epsom House, having been lately entrapped into a mock duel—how the world has changed in half a century!—and was sent

to a private tutor in South Wales. He was a good clergyman and an accomplished scholar; he had been next to Roundell Palmer, now the great Lord Selborne, in an examination for an Oxford scholarship, and he always predicted the eminence of his successful rival. His lot, however, was cast in a Welsh parish, and as rector of the little town of Laugharne, a Carmarthenshire village at the edge of the bay, he had but scant scope for his zeal and his talents amidst a population hostile, even then, to the Church. But he was greatly respected, and even loved; like Connop Thirlwall, then on the throne of St. David's, he made himself master of the Welsh tongue; and his ministry had indirectly a potent influence on the Nonconformists of many kinds, who stood aloof from the Anglican faith and ritual, a fact still of common occurrence in Wales, and to be borne in mind by thinkers and statesmen.

This excellent and right-minded man has lately died in the fulness of years, and I gladly acknowledge a large debt to him. His nature, indeed, was perhaps too rigid, and, as his other pupils were much older than myself, he allowed me, possibly, too much liberty. But he was a true Christian and of the highest character, and the example he set me in early youth has, I trust, been not thrown away in my manhood. As for my studies, though I read with him every day, he left me very much to myself, with an eye to honours at Oxford, which I was soon to enter. Under his care I became a fair scholar, if not thoroughly versed in

Latin and Greek, and I acquired an insight into the English language by the frequent composition of themes and essays, which I have found most useful in after life. But history, and especially military history, was the favourite pursuit of many laborious hours. I mastered the Peloponnesian War in the tragic and majestic page of Thucydides, and in the immortal scenes of the siege of Syracuse have learned what war is in its grand moral aspects. I studied, too, thoroughly the campaigns of Hannibal in Polybius and Livy's brilliant descriptions; I followed Cæsar in Gaul, and when he had passed the Rubicon to strike down the *noblesse* of Rome at Pharsalia, and I endeavoured to compare these great deeds of the past with what Napoleon had achieved on the Adige and the Danube, skilfully related to me, as I have said, in childhood. The knowledge I then acquired was not fruitless; it contributed largely to the very small success I can lay claim to in the province of letters, and it had a direct effect on the course of my life.

Laugharne was the centre of rather a good society —it was the birthplace of the present Bishop of Llandaff, then a youth who had scarcely passed his teens— which was to a great extent composed of the families of retired officers, survivors of the great war with France, and there was a sprinkling of gentry in the immediate neighbourhood. I was received with kind hospitality by all, hunted, shot, and fished in many spots around, listened with delight to the tales of a veteran who

commanded the 28th, I think, at Barossa, and danced and flirted at balls and town assemblies with girls bright and gay, one or two of whom I have met, happy in their old age, at Tenby. Enchanted by a Juliet, I had no Rosalind, but possibly a matron, still, I hear, alive, and then remarkable for statuesque beauty, might remember valentines I addressed to her, and even how often we chanced to meet on the cliffs or along the sandy flats of Pendine, a magnificent expanse beside Carmarthen Bay. I saw something of the Rebecca riots of those days, an outburst of Celts against Saxon turnpikes, marked by the vehemence of the Celtic nature—but not, I believe, without just cause—and not unlike many an Irish rising. Rebecca and her children went out at night in their shirts, like the Camisards of the revolt of Cévennes, or the Whiteboys of Tipperary and Clare; so true it is that race retains its identity, however divided by time and distance; but though they did a great deal of mischief, I do not think that they stained themselves with blood.

My chief amusement, however, at Laugharne was studying the antiquities of the place and the neighbourhood. Laugharne had been a port in the Middle Ages, before the sands of Carmarthen Bay had choked it, and the sea had receded from its shores, and an English colony had been established in it, in the midst of masses of the conquered Cymry. I loved to read the rolls of the old reeves and burgesses, a close corporation, which kept the pure

Englishry distinct within their domain from the natives around, and under different institutions, laws, and usages, and I spent days after days in every nook and cranny of the fine castle built by Sir Guido de Brian, a Norman seneschal "of the King's good haven," and long ago breached by the guns of Cromwell, a hedge still marking the curved line of the battery. I might add a reminiscence of those days that ought to warn the young of the value of swimming. The tideway at Laugharne runs wild and fierce. I jumped into it from a boat before I had learned its force, and was carried along the water like a piece of flotsam. Fortunately I kept my presence of mind, and edged gradually with the stream towards a distant shore. Unlike Ulysses, however, I found no princesses to greet me as I emerged from the flood. I was pelted with mud by angry daughters of the plough until I had made them understand what had happened.

During the two and a half years I spent at Laugharne, I was always at home in the summer months. I was very ignorant of Irish history, for it was not taught their children by the ruling classes, usually a characteristic of a conquering race. To this hour Ireland has produced no genius who has been able to bridge over the chasm existing between her divided people, to do justice to the sons of English and Scottish colonists, and to portray the habits and life of the Celtic Irishry. If Berkeley and Burke had thoughts of this kind, like Swift, they hardly

approached the task, and we see only the upper orders in Miss Edgeworth's pages, and the lower in those of Carleton and Banim. This struck me forcibly as I began to grow up and think for myself on the state of Ireland, and I set myself to study her mournful fortunes. I was in a position favourable to learn a good deal and to take an impartial view of the subject, for I belonged to a Liberal Protestant family and I had a number of Catholic kinsfolk. I gradually brought myself to perceive clearly how deep-seated the divisions were of the separated races and faiths of Ireland, how the causes of these ran up to the past, and how fatal their operation has been, and I formed conclusions on this part of the Irish question at this early age which have scarcely changed. Then, however, as now, I have been unable fully to understand the nature of the Irish peasant, to interpret exactly his views and his thoughts, to stand wholly in sympathy with him, and no one has been altogether successful if a member of the dominant class. I only saw at the time that the people around me were intensely Catholic, full of old traditions, given to rude mirth and to hard drinking, servile in their bearing yet sometimes dark, and in numberless instances extremely poor; and I have often since mused on the saying of Tocqueville, how dangerous was this half knowledge to an aristocratic order. Now and then you heard of a bad agrarian crime, the shooting of a landlord disliked by the peasantry, but of the great agrarian and social

movements, to which a frightful catastrophe was soon to give birth, and which ever since have disturbed Ireland, I could only perceive a few symptoms; their causes, indeed, had been long at work, and had produced evil results in the past, but the surface of things was for the present quiet.

I was thus beginning to think on the Irish question when the great Repeal rising of 1843 took place, the last and perhaps the boldest of O'Connell's efforts. I had heard the great tribune in the House of Commons, and his coarseness shocked the taste of a young scholar; and I had listened to speeches of his at "Conciliation Hall" in Dublin, where his vulgarity seemed to me detestable. I could not understand the complete hold he had acquired over Catholic Ireland, or do justice to his rugged but true eloquence; and I thought him, with others of the aristocratic classes, essentially a scheming, and even a selfish demagogue. But the movement of 1843 made an impression on me, and I began to reflect how it was that a popular leader could call up spirits from the vasty deep; could, so to speak, lift masses of a wretched peasantry from the soil in three of the Irish provinces, and array them against the law and the Government, and could evidently defy British power in Ireland. I never attended any of the "monster" meetings of this period, as they are named, assemblages of gigantic proportions; my father, indeed, would not have allowed it. Strong Liberal as he was, he stood quite as aloof from the agitation as the

fiercest Orangeman, and so did the gentry, with scarcely a single exception. But I felt that there must be something rotten in the state of Denmark, and, for a boy of nineteen, I gained a knowledge of Irish history that was worth having, and that proved of real value in after years. By this time I had mastered the Irish writings of Berkeley, most admirable from many points of view, the profound and suggestive tracts of Burke, and the brilliant and powerful speeches of Grattan.

O'Connell was arrested in the autumn of 1843, and I heard part of the celebrated trial that followed. I had not then the slightest knowledge of law, and was too young to appreciate fully the dexterity and craft of a great array of advocates, many in the foremost places of the Bar of Ireland; but I was struck by the extraordinary logical force of the arguments of a lawyer of rather uncouth aspect, who hammered out his meaning in short broken sentences; he became afterwards Chief-Justice Monahan, one of my kindest friends, and a most distinguished judge. I did not hear any of the great speeches that were made, but they were worthy of the occasion and of true orators; and the rhetoric of Sheil, the wit of Whiteside, the weighty reasoning of Henn, and the cogent force of Greene formed a splendid illustration of the best Irish eloquence. These eminent men have all passed away, but they have transmitted to their successors the torch of genius, and the Irish Bar, as I hope it long may, still flourishes. O'Connell was convicted, but

his sentence was reversed by a righteous decision of the House of Lords; and certainly he had not a fair trial. It was not only that the leader of Catholic Ireland was arraigned before three Protestant judges, of whom one, at least, was a strong partisan; not only that the jury was wholly Protestant—by an accident, never clearly explained, a grave omission was found in the list of the jurors, and many Catholic names were unaccountably left out. Denman justly described a trial of the kind as "a mockery, a delusion, and a snare;" and O'Connell was most properly set free.

The Repeal agitation of 1843 was essentially a party move of O'Connell's against Peel and a Conservative Government, a move such as has been lately played. To attain this object, he was able to array the Celtic masses of Catholic Ireland in a vast league against British power, clamouring for the old Parliament at College Green; and, supported as he was by the Catholic clergy in every parish of the provinces of the South, he made the movement of formidable strength. But if it was the result of ancient wrongs and of grievances not as yet removed, it was not a truly national force; like agitations of recent times, it was fiercely opposed by Protestant Ulster and by the Protestant community throughout Ireland, and it was resisted by property and intelligence alike. Peel confronted it boldly, and it collapsed at once, if other and potent causes concurred; and its speedy overthrow should teach a lesson to statesmen, not slaves

of the cant of spurious sentiment. One of the most remarkable incidents of the time was the appearance in the field of Irish politics of a small body of very able men, apparently one in mind with O'Connell, but essentially and at bottom at odds with him. The Young Ireland party, as it was called, the descendants of the United Irishmen of the past, had Irish "Nationality" really at heart; they cared little for Catholic Ireland, its priests, or its leader. One of these enthusiasts, Davis, was a man of genius; two or three, including Sir Gavan Duffy, a name justly held in honour in Ireland, had the instincts and feelings of true statesmen, and all advocated a policy, from their point of view, patriotic and liberal to every class in Ireland. But they were summarily put down by O'Connell and the priests, the champions of the Catholic Celts alone, and not earnest in their demand for Repeal, and in a few months nothing more was heard about them. Just in the same way the adherents of the Irish priesthood have tried to crush the followers of the late Mr. Parnell—men with nearly the same views as the Young Ireland party, if more violent and narrow-minded, and of inferior parts. The lesson ought not to be lost on those who really wish to understand Ireland, without reference to the scheming of mere party politics—in this instance ineffably base. Catholic Ireland does not seek to form a nation, and never can be one in a rational sense.

During these years I was often away from home on visits to different friends and kinsfolk. Lady Clanri-

carde, I have said, kept open house in Dublin—I mean the Dowager, my grand-aunt—and I made the acquaintance of several distinguished Irishmen. One of the most conspicuous of these was the late Anthony Blake, a well-known public man of the day, a follower of O'Connell on the Catholic question, but utterly opposed to the Repeal movement. He had seen, I think, the Rebellion of 1798, and told me a great deal about the men who had been prominent in that troubled time. He had been intimate with Curran and, as I recollect, with Grattan. The most remarkable personage, however, I met was the celebrated Lord Plunket, who often invited my Aunt Desart and myself to Old Connaught, his villa near Bray, then a pretty hamlet on the verge of the exquisite scenes of Wicklow. Plunket was then on the verge of extreme old age, but his intellect had not yet lost its force, and he was one of the most interesting and courteous of hosts. His conversation abounded in the caustic wit, wholly unlike the genial wit of the South, which is seen in the half Scottish race of Ulster, and though, of course, there was no sign in his social hour of the massive intelligence and the choice, pungent language which made him one of our greatest orators—Peel said he was the greatest of his time—he impressed the mind with a sense of commanding power. He was good enough to go over one evening a series of the sketches of H. B., and I shall never forget the keenness of his passing comments on the politicians and statesmen of his

day. This eminent man has left a grandson not unworthy of him, an orator, too, though of a different style, David Plunket, who represents in Parliament the university of Edmund Burke and of Grattan.

I went into residence at Oriel in Michaelmas term 1843. I had been at Oxford before on two occasions, which had brought me in contact with two types of university life in all respects different. In the winter of 1837, I think, I spent a week at Christ Church with my cousin Desart, and saw for the first and the last time the little aristocratic world of Oxford. Desart had become a singularly attractive youth, foremost in manly pursuits of all kinds, and prominent in the best set at Christ Church. I had long thought of him as of an elder brother, and he was in every sense a delightful host and companion. But his time, and that of his friends, was spent in idleness and luxury, regardless of college discipline, and, even as a boy, I could not fail to see how mischievous was this for the work of manhood. One reminiscence of this visit may be worth recalling. The conversation after dinner had become "scabreux"—these golden Tufts never dined in Hall—when a grave voice said to the jesters around, "This sort of thing is not fit for a boy to hear," and the rebuke went home, causing a sudden silence. The speaker was Lord March, now the Duke of Richmond, conspicuous through a long life for a clear head and good heart, and this anecdote is characteristic of him.

I was at Oxford for the second time in the spring of 1843, competing at Trinity for an open scholarship —one of the few prizes an Irishman could win at the time—and I saw something of a learned society, in strange contrast with the *noblesse* of Christ Church —the Dons, tutors, and students of a distinguished college, then almost a rival of fast-rising Balliol. I had read hard at Laugharne to gain the reward I had aspired to with ambitious longing, and though unsuccessful I exulted to hear that I had done my papers remarkably well, and I was invited to enter the college. My father, however, preferred Oriel for me, and I was matriculated there a few days afterwards. The victorious candidate, if I mistake not, was Edward Freeman, a name familiar to all educated men in Europe.

Oriel, in my time, was still a distinguished college, but not what it had been twenty years before, or what it was to become afterwards. The intellectual life of its younger members was not remarkable for its brilliant promise, and few of the undergraduates were successful in the schools. Nor were the men conspicuous, with some exceptions, on the river or in the hunting-field; the Oriel boat was not in the first flight, and Oriel had not many good horsemen. Two only, indeed, of the undergraduates of my day can be said to have been noted in after life, Poste, one of the best of Aristotelian scholars, a very powerful and acute mind, and Tom Hughes, as he was then and is still called, the well-known author of "Tom Brown's

School-Days," and a social reformer who made his mark. This low average was perhaps an accident, for colleges, like other things, have their rises and falls; and Oriel was ere long to reckon among her children the eminent names of Bryce and Goschen. But possibly there was a cause to which the backwardness of the college at this period may be ascribed. I respect the memory of the distinguished Provost, Edward Hawkins, the friend of Arnold and Whately, and one of the rulers of the Oxford of his day. He had qualities that made him almost a great man, and he was always particularly kind to myself, for he took much interest in Irish affairs—he constantly corresponded with Whately, Archbishop of Dublin, since 1833—and he liked to converse with a young Irishman. But he was much engrossed with the intense controversy then growing out of the Tractarian movement, and he did not perhaps devote to his college the unremitting attention and care which the head of a house must devote to it if it is to hold an exalted place at Oxford. Being, too, bitterly opposed to Pusey and his school, he did not get on well with the Fellows and tutors, for the most part followers and friends of Newman, a Fellow of Oriel at this time, and this want of harmony did the college no good. Nor did he attract able young men to Oriel, or encourage able young men when there; he had no wish, it was said, that Oriel should win university distinctions and prizes; this was also a source of injury.

But if Oriel did not shine in its rank and file, its hierarchy was one of peculiar splendour. The Fellowships of the college were open, that is, not confined, as usually was then the case, to counties and districts, and founders' next of kin, and they had long been the Blue Ribbons of Oxford learning. Copleston, Davidson, and Keble had left successors in all respects worthy to fill their places; indeed, the Common Room of that small college contained men who have had a profound influence on the highest thought of the last sixty years, and have even affected the course of English history. Newman had by this time almost quitted Oriel, for Tract No. 90 had been published, and Dr. Hawkins had angrily resented the act; he had ceased, I think, to preach at St. Mary's, and he was withdrawing himself into his retreat at Littlemore. But his authority at Oriel remained immense, especially over the younger Fellows; and it is unnecessary to say how it pervaded Oxford, and has wrought a revolution in the Church of England. Apart from this great personality, the Fellows of Oriel had eminent members in a Society already notable in the life of Oxford, and destined to brilliant careers in the future. Charles Marriott, the Dean, was a very learned man, of a charming nature, if awkward and shy, and kind to undergraduates in the highest degree. James Fraser, afterwards a great bishop, illustrious for his energetic zeal and good works, was then a quiet and retiring young man; but his exquisite scholarship was admired by all, and

his sympathy with his pupils was widely recognised. Then Arthur Clough, rugged and simple, but a man of genius, taken away, unhappily, before his time; Church, the Dean of St. Paul's, who was to be a master of pure and most graceful English; and Chrétien, Eden, Daman, Neath, Chase, and others already known as thinkers and scholars, and more or less distinguished in their different walks of life. With the single exception, I believe, of Chase and of Buckle, then quite a young fellow, those remarkable men have passed away, but some have left memories that will long survive them.

Five or six of the Fellows of Oriel were tutors, that is, undertook the general college work of teaching. The direct influence of these able and brilliant scholars on their pupils was hardly what it might have been had it been turned to the best advantage. Dr. Hawkins did not choose that classes should be formed—as I have heard was the case at Balliol and Trinity—of undergraduates of really high promise; he insisted that the men should be lectured together, according to their standing, in the studies of the place. The tendency of this rule—perhaps an unwise one—was to bring teaching down to a lower level than it would have attained under a better system; the dashing frigates were kept back by the dull convoy; the methods of instruction, nay, the tone of thought, were adjusted, in a certain measure at least, to an average, and not to a high standard. Yet the indirect

influence of the Oriel tutors over pupils of earnestness and of any parts was very great and had excellent results. The thoroughness of the work of these fine instructors, and their perfect mastery of the subjects they taught, did not fail to impress intelligent minds; and the admirable skill of Daman in expounding Butler — the great Oriel divine of the eighteenth century, as indisputably Newman was of the nineteenth—in exploring the maze of the Nicomachean Ethics, rich in treasures of genius beyond price, and in unravelling the web of logic; the power of Clough, a pupil worthy of Arnold, in showing how history should be studied, and in illustrating the Greek and Roman world of Herodotus, Thucydides, Livy, and Tacitus; and the art of Fraser in unfolding the graces of Horace, Virgil, and above all of Plato, the poet-philosopher of all time, were not lost on hearers capable of sustained thought. I for one was much struck by the modest bearing and absolute simple-mindedness of these learned men.

I was elected a scholar of Oriel in the summer of 1844. This scholarship had been founded, I believe, by the Fellows; and though not equal to those of Balliol and Trinity, was, nevertheless, an honourable prize, for it was open to all Oxford undergraduates below the age of twenty. I studied really well during my Freshman's year; but from this time forward my university work was greatly interrupted by long absence in Ireland, caused by the great famine

of 1846 and of 1847, and by ill-health, for some months serious, and I did not do all, I have heard, that was expected of me. My life became comparatively aimless and barren, and I did not derive from Oxford all the advantages which otherwise might have fallen to my lot. I read, however, to some purpose at intervals of time, and did not wholly lose the immense benefit of the intellectual training of the Oxford of that day, unrivalled, I think, and of the very highest value. I became well, if not thoroughly, versed in parts of the best literature of Greece and Rome; acquired some knowledge of the profound philosophy of the great and unequalled Athenian thinkers, superior to all their modern fellows; and studied with good results the era of Pericles, of the Punic Wars, of Cicero, of Cæsar, and of the early empire. History has always been my favourite pursuit, and the discipline of Oxford in this respect, searching, thorough, mastering a few great works, abhorring a parade of superficial knowledge, and aiming not at *multa* but *multum*, has given me at least a lofty ideal. The old Oxford method, indeed, can, I think, be traced in Parliament, in the pulpit, and at the Bar without difficulty by those accustomed to it; it was seen in the highest perfection in Newman's logic, in the subtle and persuasive tongue-fence of Gladstone, and in the arguments of Bethell and Roundell Palmer, always cogent, well informed, and complete. I wrote, also, a good deal in those days, little essays modelled on the *Spectator*, and I

devoted time, as before, to the study of war, and added to knowledge which, for a youth, was commendable, if not profound or technical. The masterpieces of Napoleon had not then been collected, and were not to be found even in good libraries; but I read carefully the works of the Archduke Charles, the Gurwood Despatches of the great Duke of Wellington, and Jomini's large and critical volumes; and I had become a military inquirer in some sense, and not ignorant of the subject, before I left Oxford.

Fraser was my college-tutor, and, I rejoice to think, became more than a tutor—a real friend. He laughed at my scholarship, as indeed he might, and told me it was nonsense to think of entering the race for the Hertford and the Ireland, the great University rewards for classical skill. But he perceived I had a turn for writing, and tolerably often sent forward essays of mine to be read before the Provost and Fellows in Hall, a college distinction worth recording, for the "Oriel style" of English had been long famous. He encouraged, too, my taste for history and the history of war, and we occasionally discussed the Alpine march of Hannibal and the exploits of Cæsar in walks and rides. Of modern military history he knew very little, and, like nearly all the Englishmen of his day, did not understand Napoleon's prodigious genius, and thought Wellington the greater commander of the two, a superstition possibly not quite extinct in England. He insisted that Waterloo was

decisive on that point; but I had studied Jomini's Précis, and I well recollect how surprised he was at my arguing that, but for his lieutenants' shortcomings, the Emperor must have won the campaign, a conclusion generally now accepted as true. Another anecdote about Fraser I may also mention, for it illustrates his taste, and his words were prophetic. We were expected at Oriel to take notes of the sermons preached at St. Mary's Church; and Fraser, who loved Plato and Addison, while Burke and Thucydides were my masters, used to score out epithets in dozens from what I had written, and to ridicule my style as "turgid" and "Celtic." One day he said to me, "You will be just fit to write for the *Edinburgh Review* and the *Times*"—he detested Macaulay's "brassy rhetoric," then making its influence widely felt—"and you will never understand what pure English is." I do not know if the last remark is correct; the first, certainly, has been amply verified.

Oriel is a small college, and I did not know many undergraduates outside its precincts. My brother had gained a scholarship at Worcester College under circumstances that did him great credit, and naturally I saw him often at Worcester, of which Sir George Osborne Morgan was then, I think, a son. I was acquainted too, with some men at Exeter, at Brasenose, Christ Church, Magdalen, and Corpus, in most instances Irish by birth, but of these none have attained eminence. The most brilliant undergraduates, I should say, of

my time, were Conington, nicknamed "the sick vulture," a Latin scholar of extraordinary power, and the translator of the "Eneid" into the verse of "Marmion;" Matthew Arnold, the second poet of the age, and Goldwin Smith, then a youth of the finest promise, now the greatest living master of the English tongue, and a political thinker of a very high order, if not without the stern fierceness of Swift. In my judgment, however, the ablest young man at Oxford was Dufferin, a ripe scholar, a good speaker, and already versed in the ways of the world; taken altogether, he has done great things, and has touched nothing he has not adorned. I was also a member of the Union, though I did not take a part in the debates, occasionally well sustained and excellent. The leading orators were Coleridge, late Lord Chief-Justice, skilled in plausible utterances without much force, but with a dulcet voice and a stately presence; and Parnell, an Irishman, long, I suppose, dead, whose pointed sayings and ready wit were markedly in contrast with his rival's manner. Alexander, too, the present Bishop of Derry, was a fluent if not a very impressive speaker; and there was a host of debaters of inferior quality. For the rest, my leisure was spent much in the same way as that of undergraduates of the ordinary class. I had no fortune to hunt, and river-boating had few attractions for me, who could sail and steer at sea, and my usual relaxation was a walk in the country. Occasionally, however, I took long rides, and had much pleasure in going to Blenheim, admiring the

superb Titians of the Duke of Savoy, gazing at the tons of massive plate given to Marlborough by the princes of Christendom—they understood the foibles of the great Englishman—and reading over and over again the historic letter written to Sarah Jennings from the field of Blenheim by a husband henpecked even in the hour of victory. I was sorry to find, when I last saw Blenheim, that many of these treasures had disappeared.

Oxford, then as now, teemed with intellectual life and activity almost of every kind, but two movements were the ruling forces. The authority of Newman was immense, and his school of thought was perhaps dominant; but it was encountered and thwarted by another school, liberal, half-sceptical, and opposed to dogma—that which showed itself in the "Essays and Reviews;" and Jowett, Temple, Wilson, and other rising men were doing battle with the Tractarian theories. I was still too young thoroughly to understand the questions at issue in this fierce conflict, and in truth I have never weighed with care the confusing dust of systems and creeds; I still cling to the philosophy of Pope—

> "Hope humbly, then; with trembling pinions soar;
> Wait the great teacher Death, and God adore."

But I was able to appreciate the great ability displayed on both sides in a religious struggle which has had prodigious results for good and for evil. One

circumstance brought me face to face with the disputants, and enabled me to judge of their varied powers. I took notes, I have said, of what was preached at St. Mary's, and Puseyism and the Liberals found an arena within its walls. Two sermons exhibiting the opposite modes of faith remain engrained, as it were, in my mind, the one by Manning on the close relation between intellectual and moral excellence, an indirect plea for the authority of the Church, the other by Tait on "Division in Unity," breathing the spirit of Tillotson, of Locke, of Sumner. The second great movement to which I refer was for placing the University on a wider basis, doing away with the old and narrow restrictions which confined fellowships and scholarships in most cases, and even made colleges close boroughs, opening Oxford to Catholics and Dissenters, and making the examinations in the schools more modern. It has wrought an enormous change in Oxford, but I am not sufficiently acquainted with the place to say if it has made wholly for good.

The education of Oxford, I have said, was admirable. I have met no system that can be compared with it. But it was more than the teaching of books and lectures, and even than the association with superior minds; the place itself had its part in it. The Oxford of fifty years ago was a very different scene from the Oxford of the later Victorian period; the society of ladies hardly existed; the long and beautiful lines of villas, built happily on the mediæval type, which run

out from the verge of the city, were then fields or common market-gardens. But Oxford retains its peculiar character, and the very aspect of it has had a potent influence on successive generations of youthful students. That exquisite relic of the Middle Ages, with its half-monastic buildings of the first Tudors, with its lines of streets dividing noble structures of the past, with its hoary traditions and its antique usages, appeals insensibly but with real force from the agitated world of the present time to the ordered existence of bygone centuries, and fills the mind when it is most ductile with sympathy with a state of things that has passed away from us, with monastic, feudal, and ecclesiastical England, with ideas and thoughts that have almost vanished. And hence it is that Oxford, active as it is in the development of intellect in all directions, will always oppose the spirit of mere restless change; will remain a great Conservative force amidst the complex currents of the politics of the hour; will, too, as Matthew Arnold has said, be a moderating influence to check the conceit of the shallow disciples of what is called progress; will be a place where lost causes will find champions, where mere success is not made the test of excellence. This calming, sobering, and most charming spell tells strongly on all who have been brought up at Oxford; it has not only had immense effect on statesmen, it has given many Oxford men a certain breadth and soundness of view, a measure in judgment, and a ripe thoughtfulness of inestimable value

in science and letters—nay, in the ordinary affairs of life.

After an absence in Ireland of nearly a year and a half, I returned to Oriel to read for my degree in the autumn of 1847. I was heavily handicapped for the race in the schools; I had but six months to get up my books, and owing to the Irish famine, I was in such a want of money that I could only fee a tutor for a single term. I went in boldly, however, for a First Class; read with fierce earnestness twelve hours a day, and struggled hard to make up for lost time. When the trial came, I did fairly well in the schools; my knowledge of military history proved of use, and I was complimented by Liddell, afterwards Dean of Christ Church, and himself an able historian of Rome, on a short paper I wrote on the great day of Cannæ. I still recollect dwelling on the use made by Hannibal of his renowned cavalry against the steady and stubborn Roman footmen, and I described Cannæ as the reverse scene of Waterloo. I did not, however, obtain my First, and had to content myself with a Second Class, an honourable but far inferior distinction. I left the University finally in the summer of 1848, being obliged to return to my home in Ireland. I had had some thoughts of reading for an Oriel Fellowship, but there were doubts, I believe, whether "a mere Irishman" was eligible for the foundation of Adam de Broome, a Chancellor of the reign of Edward II. I should probably, however, not have been successful, and I bade a lasting farewell to

Oxford. My life there was not all that it ought to have been; time and many opportunities were lost; but I have always cherished for my "Alma Mater" the reverence and affection that are justly her due.

CHAPTER IV

THE IRISH FAMINE, 1845–47

I SCARCELY continued my studies of Irish history during the greater part of my time at Oxford. The sudden collapse of the Repeal movement—never was a bubble more easily pricked—and the quarrel between O'Connell and the Young Ireland party, deprived Irish politics of immediate interest, and I gave up inquiring into their inner causes, while Ireland was for the moment, in a sense, at rest. But as I advanced in thought and knowledge, I turned to another side of the Irish question; and as I had always a taste for pursuits of the kind, I began to reflect on the state of the social life of Ireland, and especially of its more humble orders, as it appeared, in the first instance, in what I saw around me. I spent my long vacations at Gartnamona; and the circumstances even of my father's estate give me some insight into the existing condition of the relations of landlord and tenant in Ireland, and especially into the position of the mass of the peasantry. My father was one of the best-hearted of men; my mother represented the old race of O'Connor; and neither the one nor the other ever did an act of wrong or harshness to those dependent on them. They were, nevertheless, by law and usage

almost absolute over those who dwelt on their lands; they were separated from them in every way, and their attitude to them was that of kindly superiors to a class that still bore the marks of serfdom. This necessarily had a degrading effect on the inferiors, of whom they were the rulers. These, I have said, were cringing in bearing and manner, and yet sometimes morose and sullen; the sturdy independence and the self-respect of the English peasant was not to be found in them. One instance of this I well recollect. My father was zealous of improving his lands; he was desirous of enclosing a tract of bog, in which his tenantry had rights of turf, and he proposed to give them the same rights on another tract, making the first a plantation of Scotch fir and larch. At the meeting that followed, "Her Royal Lady" and "His Royal Honour" were piteously adjured "not to do a thing an O'Connor would never have done;" but a threatening letter came afterwards by way of protest. My father judiciously gave up his project; the bog remains a treeless waste to this hour.

The condition of the peasantry on the estate, however, and of the lands occupied and tilled by them, was the point that chiefly fixed my attention. I had noticed, I have remarked, from childhood, the immense difference between the English and the Irish landscape in every feature denoting wealth and prosperity, and the contrast seemed more striking as I progressed in years. My father's estate was rather a good specimen of estates in the Midland Irish

counties; it had never been possessed by harsh landlords; its owners had been nearly always resident; it had not been cut up into little patches for the manufacture of voters for the Irish Parliament. But the husbandry of the farms was extremely backward; the crops of wheat, barley, and oats were poor; the culture of the turnip was almost unknown; and the scene, for the most part, was one of small fields, given up to the potato, and badly tilled. The wooden plough, too, had not disappeared; the breeds of horses and stock were very inferior, and the lands were crumpled up into petty enclosures, divided by ragged ugly fences, and in many places much in need of drainage. On the whole tract, comprising some two thousand acres—apart from the large and secluded demesne—there were scarcely three tenants who held thirty, and the remaining occupiers were poor peasants, holding patches of land, in all cases small, and dwindling down to two or three acres. Outside this class was that known as the cottars, dwellers in mud cabins, and for the most part landless, who eked out existence on the wages they received for their labour on my father's home-farm, wages then not more than six shillings a week. The whole estate was thus thickly peopled, though not so much so as estates at hand, and the occupants were nearly all on the verge of poverty. Even the larger possessors were badly clad; the class beneath them often appeared in rags; bread and meat were almost unknown luxuries, and the potato was the one staple

of food. This root, indeed, formed the main if not the only support of all that was then contained in a rustic home, human beings, cattle, and the omnipresent pig; and it often stood in place of wages, and even of currency. Yet, low as was the state of the dwellers on the soil, the competition for the possession of land was intense; this necessarily forced up the rate of rent, and it caused large sums to be paid for the good-will of farms. I often heard my father say that he was compelled to make a bargain against himself on the letting of land; and this has been my own experience for many years.

As my father's estate presented these features, repulsive and ominous in some respects, I came gradually to understand the character of society in other parts of Ireland, where large tracts were in the hands of absentees or of grasping or corrupt agents —Miss Edgeworth's novels were familiar to me— where rack-renting and evictions were not uncommon, and where a teeming population overflowed the soil. Besides, I read intelligently the newspapers of the day, and I used to muse on the passionate demands for "fixity of tenure" made at public meetings; on instances of "clearances," as they were called, when peasants were driven from their homes like sheep; and on numberless examples of extreme want and wretchedness. It deserves notice, indeed, that the bitter feeling against the Irish landed gentry which has since grown up was by no means prevalent in those years, and O'Connell, with many Conservative

instincts, condemned movements against rent and property. But signs of social danger abounded, and other circumstances made me reflect much on the state of society in Ireland at that time. The Irish poor-law had been lately enacted; a report had disclosed the appalling fact that of a population of eight millions of souls, two millions and a half were in abject misery; the pressure of the poor-rate was increasing rapidly, and many thinking people, including O'Connell, who had known the England of 1832–34, believed that property would be destroyed by this increasing burden, and were terrified at the approach of a devouring flood of poverty. Peel, again, then at the head of affairs—a social reformer, not a political—had set on foot the famous Devon Commission to inquire into landed relations in Ireland; and I read the evidence thus obtained with unflagging interest. I thus became acquainted with all that was most peccant in the frame of a diseased society; how the state of land tenure made the possession of the peasant insecure and unstable; how he was exposed to many kinds of oppression, if the instances of this were not very frequent; how he was kept in a state of permanent thraldom, in which he might be despoiled of the fruits of his industry, and lose the improvements he had made on his farm; and how the pressure of population led to rack-rents, lowered wages, and threw two-thirds of a people on a poor and precarious root, as the sole means of subsistence. The *Times*, too, had at this time sent

a commissioner to report on the state of Ireland; and the letters of this able and outspoken man, confirming as they did the Devon Commission, if somewhat marked with Anglo-Saxon rudeness, were admirable, and made a strong impression on me. Besides, I attended the County Assizes as often as I could, and was a spectator of several important trials, which revealed the worst features of agrarian crime and the social disorder then too general, and from which Ireland has never been free.

I may say, therefore, that at the age of twenty I understood, to a certain extent, the historical antecedents that had made Ireland what it was, and—for of Ulster I knew very little indeed — the social condition of the three southern provinces. I had perceived how the distinctions of race and faith, which are the cardinal fact of Irish history, not only pervaded the whole community, but in the most important of social relations had made the owners of the soil a separate caste, and the occupiers a people of needy vassals; and I had realised, if imperfectly, the resulting evils. Especially, too, I had learned what Irish poverty was. I had read Carlyle's account of the French peasantry before the great rising of 1789–90, and felt that the Irish were very like them; and I had become alive, if of course not fully, to the innumerable dangers of what has been described as "Society based on the potato only,"—a huge mass resting on a false foundation, yet made up of human flesh and blood, if "lumped together," for the most

part, "into a compendious unity," and called by unthinking conceit, "the dim and monstrous canaille."

With these facts before me, I witnessed in 1845 the first great failure of the treacherous root which was the staff of life for the very poor in Ireland. I was out partridge-shooting on a September morning, when, to my astonishment, I found all the potato fields black; the plants had been smitten with a sudden blight; they emitted a sickly smell of corruption. The same sight met me wherever I walked; and I was soon attracted by groups of terrified peasants, who were bending over their stricken crop, which for many constituted their only food. The men looked gloomily and sadly on, but the Celtic wail went forth from women and children, and tears ran down many a sunburnt cheek at the thought of a great coming if unseen calamity. I went straight home, and can well call to mind how I held forth to my father and mother that an evil day was at hand for the humbler classes, and that the country was perhaps on the verge of a great trial. My parents, however, who had beheld more than one season of distress in Ireland, especially from 1818 to 1822, during the fall of prices after the Great War, refused to accept a gloomy view of things; they set me down as a boyish alarmist, and this incredulity was, I believe, shared by nearly all of our order for some months. One proof of this, indeed, I can adduce myself. I was at Desart for a few days at the opening of the cub-hunting season; there was a goodly com-

pany of brilliant guests, and after dinner a bottle of the best claret—those were not the days of Gladstonian tariffs — was placed before each gentleman at a horse-shoe table in front of a magnificent wood-fire. The conversation was blithe and free, and turned on all kinds of light topics, from the prospect of foxes to that of woodcocks, but the only reference made to the potato failure was that rents as yet were very fairly paid. This was not heartlessness, but the dangerous ignorance of a class kept apart from the classes beneath it. I should add that more than one of the speakers acted nobly and generously to their dependents when brought face to face with the dread events that followed.

The blight of the potato in 1845 was not attended with the worst results in the more advanced and prosperous parts of Ireland. The oat crop of the year was an extremely good one; perhaps half the potatoes were saved; and in the midland and eastern counties there was nothing resembling a complete dearth of food. Rents indeed failed, and were largely remitted, the poorhouses in some unions were filled; the price of the necessaries of life went up, and there was a great and increasing amount of distress. But many of the landlords of the better class gave employment on a most liberal scale, and thus relieved their poorest dependants; this was the case at Gartnamona, at Desart, and at Sonna, the three country-houses I knew best, and these were but specimens of a very general movement. But in the western and southern

region, which extends from Donegal to Cork, and is bounded in part by the course of the Shannon, the state of things was infinitely worse, and famine fell largely on a suffering people. In this immense tract, especially the land of the Celt, the potatoes were of the worst kind, and these to a great extent perished; the population was exceedingly dense, and in places distant from towns and markets; and along the sea-coast it formed clusters of village communities, living on small plots of land and employed in fishing. The failure of the crop, which was almost their only food, at once reduced these millions to the lowest depths of wretchedness; and tales reached our ears from these remote districts of deaths from starvation; of hungry crowds leaving their homes in despair, to seek relief from guardians of the poor unable to give it; of horrors like those of an Indian dearth; of social disorder of every kind. Already the ominous signs were in view which in a few months were to become general, and to attract the attention of a pitying world.

The elements of discontent had ere long quickened, on which the demagogue in Ireland as a rule fastens. Impossible measures of relief were cried for, but there was no clamour against property; and O'Connell, now with one foot in the grave, remained true to the social creed of his life. He almost abandoned the demand for Repeal; but he insisted that corn and flour should not leave Ireland as long as there was a prospect of famine, and that the import of corn should

be made free; and if the first of these demands seemed at the time reckless, it would have been complied with, I think, in a Parliament of this day. Peel was still Minister, and addressed himself, sincerely, I doubt not, to cope with the crisis. The creed of "*Laissez faire*" then prevailed in our councils; and Peel believed in the economic doctrines which Greek genius showed, two thousand years ago, are subordinate to the master-art of politics, and which have repeatedly failed in grave emergencies. He rejected, therefore, heroic remedies; but he had been Chief Secretary for Ireland in a season of distress, and he did not leave a starving population to depend on what are called the laws of supply and demand. He set considerable public works on foot, and he introduced secretly, but through the agency of the State, a vast supply of grain into the poverty-stricken districts. These measures certainly saved many lives, and Peel's memory is loved in Connaught to this hour; but above all, he repealed the corn laws; and though this great measure brought no relief for the time, it proved that he was thoroughly sincere in his Irish policy. I may say that in this matter I never could believe that a bread-tax was not a national evil; and I heard with unfeigned disgust one of the savage philippics of Disraeli in the session of 1846, the more so that it was plain the orator was speaking for effect, and had no heart in his cause. The scorn his countenance expressed was, however, fine; it was exactly that on the face of Rachel in "Phêdre."

In 1846 a terrible loss broke up, for the first time, the circle of our home. My father died after a few weeks' illness. I have briefly described his kindly nature; he is not yet forgotten by a few surviving friends. His purchase of Gartnamona, however, had been unfortunate; he had become entangled in many transactions which his family never completely unravelled, and which led to one unhappy estrangement at least, and my mother and I were left the owners of an embarrassed heritage in a season of dire distress. I left Oxford, where I had been for a few days only, in the autumn of that disastrous year, and during the next twelve months was engaged in managing the family estate under the worst circumstances, and in confronting the great famine of 1846.

The summer of that year I had spent at home, and having been on visits at different country-houses, had seen the first symptoms of the dread catastrophe, though I had not been in a distressed district. Even in the midland counties, however, the prospect became alarming in the extreme. As early as the month of July the potato failed in all parts of Ireland, the plants were everywhere smitten with the devouring blight, and Leinster fared as badly as Munster and Connaught. As an example of the destruction, I may remark, that out of a crop of fourteen acres, our home-farm yielded two cartloads only of tubers that could be deemed fit for food; the rest was a mass of noisome rottenness; and it was the same on all lands that came under my eye. The oat crop, too, was nearly a half

short, and before autumn had closed it had become apparent that not only the poorer parts of Ireland—already stricken in 1845—but that her best cultivated and most wealthy districts were threatened with general and appalling famine. The spectacle, indeed, I often saw in these months — wide expanses of withered and hideous fields, peasants fleeing already their homes in bands, far-spreading mourning and universal gloom—was prophetic of frightful misery at hand. The land seemed stricken as if by the plagues of Egypt.

I shall briefly set down what I saw myself in the memorable and awful crisis that followed. Gartnamona, I have remarked, was a fair specimen of rather an improved estate in the midland counties. The same may have been said of many estates in the neighbourhood, and King's County, if not a fertile tract, was by no means a backward part of Leinster. But within two months after the harvest of 1846, the poorhouse of Tullamore, the county town, was crammed by inmates driven from their homes by want. Hundreds of acres of land were already desolate and many cottages left vacant; a cry for food had gone forth from despairing multitudes, and the faces of the peasantry had begun to wear a look, cadaverous and haggard, that showed the touch of famine. Even in a comparatively prosperous tract thousands stood on the brink of sheer starvation, and the State had to deal with a frightful disaster, even now spreading over all parts of Ireland.

Peel by this time had been driven from office, and Lord John Russell reigned in his stead. The Minister and his colleagues were able men; their Irish policy was well meant, and in the main successful. But they were ruled by strict economic principles, even more completely than their predecessors, and this was in some respects unfortunate. It is unnecessary to say they turned a deaf ear to O'Connell, even in his dying words, and to more than one patriotic and thoughtful Irishman; they refused to prohibit the export of grain from Ireland in the face of enormous prices and of the stress of famine. They even stopped Peel's system of public works, and they did not attempt, as he had done, to send corn into the impoverished West; they looked to ordinary trade to supply demand. The maxims they followed were that the State must interfere as little as possible with private enterprise; that famine, indeed, should be averted, and famishing people be somehow fed; but that the conditions of relief should be made stringent, and should rigidly exclude those who possessed anything. With these objects in view, they left to commerce the task of procuring food for the Irish millions; they would not hear of establishing public works, should these be of the reproductive kind, for this would be meddling with speculation and the labour market. As the people, however, were not to be left to starve, they set on foot in almost every part of Ireland a system of wholly unproductive works, in nearly all instances the construction of roads, and those who needed relief

were summoned to work on these, avowedly and completely useless as they were, and to earn the wages required to support their families. This expedient unquestionably was the means of rescuing hundreds of thousands of the poor from famine, and just praise is due for this to the Government. But it was almost forced on the landed gentry, who saw its evils, and were not consulted. The demoralisation it caused was frightful; it covered the land with a host of jobbing officials, and the cost and the waste it produced was enormous. At last, when this system, of which the charge was largely imposed, be it observed, on the land, was taxing the Treasury at the rate of five millions a year, another was adopted to meet the crisis. The making of the worthless roads was given up, but while the workhouse test was applied as sternly as possible, a gigantic scheme of outdoor relief was devised in order to bring food to the homes of the people. This scheme was worked through local committees distributing supplies of cooked food, and this again certainly saved thousands from the grave. But the relief was soon followed by a harsh provision, that applicants should be shut out from it if they retained the possession of even a plot of land; and this, which was part of a general policy to transform landed relations in Ireland, drove thousands of peasants from their little dwellings, and lifted them up in masses from the soil. The State said to them in effect, "Quit your homes, or starve."

I witnessed what occurred, in this position of affairs,

in a considerable part of the King's County. The cost of the necessaries of life became prodigious, for the State did not attempt to supply the market; the price of oats and wheat was, perhaps, doubled; that of the turnip, which, in a slight degree, replaced the potato as food, was, I think, quadrupled. Around Gartnamona, and everywhere else, swarms of peasants were for some months engaged in cutting up fields to make roads and fences, unfinished to this hour, and well-nigh effaced; and the work they did listlessly, was little more than nominal. Vast sums were expended in these useless tasks, and were largely intercepted by pay-clerks, inspectors, and numerous functionaries of the kind; and the gentry, on the spot, had no voice in the matter. I repeat, however, many were saved from death, even in a district rather above the average, and this must be borne in mind by every impartial person who examines the acts of the Government of the day.

In February 1847, as well as I recollect, the road works, as they were called, ceased, and I was made the Chairman of the Local Committee for the distribution of food to the poor in the neighbourhood. My chief fellow-labourers were the parish priest and the parson, then, as unhappily is not the case now, willing to act together in a good work; and for some five months we doled out rations of boiled maize to about three hundred applicants, the average number upon our lists. The lean and wolfish faces of many of these are stamped on my mind even as I write,

and but for this relief they would probably have nearly all perished. Meanwhile hundreds of peasants, some of the better sort, abandoned their farms, saving what they could, in order to emigrate to the United States, and the petty cottars were largely driven from their homes, for otherwise they could not obtain food. On our estate, about twenty families out of seventy disappeared in a few months; and in the King's County, as in all parts of Ireland, the great exodus of the Irish race set in, under conditions that, even in favoured districts, afflicted all who beheld the spectacle. The roads were crowded with terrified human beings, flocking, with their household stuff, to the nearest port, as if before the march of an invading army.

I do not think it can be said, with truth, that there were deaths from starvation in my immediate neighbourhood; the distress and wretchedness were indeed frightful, but the community was not ravaged by actual famine. But typhus, following in the train of want, became epidemic, and had many victims; and the substitution of a cereal for a root as food caused a great mortality among aged persons. At Tullamore, as everywhere else in the country, fever sheds were run up, and had hundreds of sufferers; and I can record that every applicant above sixty-five who received relief from our Local Committee died within the year. Society, too, in the King's County was not broken up to a very great extent, as it was completely in other counties; and if there was an immense increase

of ordinary crime, as was inevitable at a crisis of the kind, there was no such outbreak of agrarian troubles as was witnessed in parts of Munster and Connaught. As for the attitude of the upper classes during the terrible ordeal, it was on the whole praiseworthy; and this was the case, too, in the adjoining counties, where I learned the facts from friends and relations. On some estates, indeed, evictions took place, and too many peasants were expelled from their farms, under circumstances which must be pronounced lamentable. But it is only fair to recollect that, at this juncture, the Government set itself the example of clearing the land from the masses upon it, owing to the measures sanctioned by it, and facilitated evictions in many ways; many landlords, too, believed that the petty occupier, when the potato had failed, must disappear, and in most instances compensation was given on eviction to the outgoing peasant. Large sums were raised, on several estates, to my certain knowledge, to effect the process—in one instance not less than £50,000; and in Leinster at least, whatever has been said, the "clearances" of the land here and there witnessed were not marked by inhuman cruelty.

On the other hand, as regards the Midland Counties, the conduct of the landed gentry was in the main admirable. Rents were not exacted, or indeed asked for, and arrears were struck off in thousands of cases. The landlords of the King's County were not wealthy as a class, and on many estates they did not possess the means to give the employment they gave in the

preceding season. The more opulent, however, certainly did so, and to this day many works of drainage and planting attest what they then accomplished. In other counties improvement was more marked and general, and the sums expended by the heads of great noble houses in relieving distress by lavish employment proved their charitableness and high sense of duty. The charming and truthful book of Mr. Hare shows what was done by Lord and Lady Waterford at Curraghmore at this terrible time; but this was only a specimen, on a grand scale, no doubt, of the good works that were done by their fellows on many scores of estates in Leinster.

As for my mother and myself, we were too poor to imitate examples of this kind; but we sold horses and carriages, scarcely thought of rents, and happily did not evict a single tenant. My mother, too, hit on an expedient, useful alike to ourselves and to the poor around us. She sent none of the produce of the home farm to market, but stored it in barns, outhouses, and even in rooms in the house—the drawing-room, I recollect, was a granary of oats—and she sold it at somewhat less than the current price to our poor dependants and their immediate neighbours. She rather gained than lost by this kindly conduct; and I have thought how well it might have been had the State attempted to do something of the kind in the case of the sensitive Irish people. On the whole, within my own experience at least—and it happened to extend over a large district—the upper classes

in Ireland did their duty; they made great sacrifices in this season of trial, and exhibited sympathy and good feeling, as a general rule, to the suffering poor; and, in fact, the divisions which kept them apart from these, were, to a considerable extent, effaced, in the presence of disasters that appealed to all hearts. I dwell on this subject, because designing men have of late been denouncing the Irish gentry as reckless and wicked in the famine of 1846. Even their bitterest foes at the time thought otherwise. John Mitchell, one of the rebels of 1848, wrote thus of the class in his account of the Ireland of that day:—"The resident landlords and their families did, in many cases, devote themselves to the task of saving their poor people alive. Many remitted their rents, or half their rents; and ladies kept their servants busy and their kitchens smoking with continual preparation of food for the poor. . . . Clergymen, both Protestant and Catholic, generally did their duty."

The events of the famine, however, were more tragic, and were attended with more appalling results, in the remote and less prosperous parts of Ireland. In the region of the West before referred to, and even in some of the better tracts of Munster, the means employed by the State for relief failed deplorably, and in a great degree; trade ill organised, and not general, could not send food in sufficient quantities to peasant homes in a wild country, or into villages distant from any market, and thousands certainly died of starvation. I did not behold, until more than

twenty years afterwards, the broad space, near the town of Skibbereen, where the bones of the victims of the famine lie; I did not wander over the vast solitudes, still marked by the traces of human dwellings, where, in Mayo and Galway, the population perished. How whole hamlets along the coast disappeared; how weary peasants lay down to die in glens and on the pathless sides of the hills; and what scenes of misery and despair blended with instances of the noblest devotion, of touching resignation, of sublime piety, is a dismal chapter in the dark story of Ireland; and it is useless to revive most unhappy memories. Throughout this region, society received a frightful shock, and in some places simply went to pieces; evictions occurred on a great scale, and hundreds of families were driven from their homes, for universal alarm prevailed; and the agrarian crime that suddenly broke out had many of the symptoms of a great social rising. Yet the worst feature of what was going on appeared in the innumerable horrors and woes that attended the immense emigration of the suffering peasantry. Whole multitudes, flying from the land, hurried to take ship for the New World; but the Government, true to their economic maxims, left the matter altogether to private traders, and made no regulations to protect the exiles. As the inevitable result, droves of hapless beings were, month after month, crammed into vessels, unseaworthy, and wretchedly found and provided; the misery of the emigrant ship in the Atlantic resembled

that of the slaver, and a large proportion of the ill-fated passengers died at sea, and never beheld America. A philanthropist—I am proud to call him a friend—braved the miseries of these awful voyages in order to make the Government attend to them; and Ireland owes it to Vere Foster that ample precautions have long ago made the passage of the emigrant easy and secure.

Yet there was a silver lining to the thick clouds of darkness; it still shines through the night of the past. The King's County, I think, had no need of the world-wide charity which flowed into the famine-stricken districts, and which saved many thousands from the fell grasp of hunger. Whatever may have been the shortcomings of the State, England came forward nobly to the aid of Ireland, and gave her starving millions large help and sympathy. Contributions, amounting to immense sums, were made by public bodies and private persons to relieve everywhere the famishing poor; and earnest inquirers crossed the Channel—the late Mr. Forster was one of these—to distribute alms, and to study Ireland on the spot. The civilised world joined, it may be said, in the mission; its heart had been touched by the tale of many woes; the United States sent warships, freighted with grain, into more than one of the ports of the West; France, Austria, Germany, Italy, took part in the spontaneous movement of grand philanthropy; and even the gold of the Sultan made its way into Munster and Connaught to assist

the peasantry. The spectacle showed how mankind are kin, and was attended by the most beneficent results.

History will, I believe, pronounce that Ireland owed much at this crisis to the Imperial Government. Lord John Russell and his Ministry, in the main, succeeded; the mass of the Irish people was saved from famine, and a considerable part of the charge thus incurred was remitted. Every allowance, too, ought to be made, in justice, for the difficulties of a Government suddenly compelled to find the means of existence for starving millions; and these, on the whole, were ably surmounted. Mistakes, however, were unquestionably made; and the consequences were, in many respects, unfortunate. The principle of *laissez faire* was carried too far; economic rules were too strictly applied, and Ireland, unhappily, paid the penalty. I never could understand why the wasteful system of making useless roads was prolonged for months, and why reproductive works were tabooed; the gentry of Ireland protested in vain, and the Government was in the wrong in this matter. If, too, the policy was on the whole wise, of excluding possessors of land from relief, and of removing a mass of pauperism from the soil, this was carried out harshly and without discernment; proper regulations should have been made from the first to protect the emigration, which was the necessary result. It was a great mistake, besides, to rely on commerce to supply the impoverished tracts of the South and the

West; the example of Peel should have been followed, grain should have been introduced into these by the State, and this omission cost thousands of lives. It was, indeed, an unfortunate sight that a foreign government sent its ships laden with corn into this very region. People asked why England did not do the same, and a sufficient answer was not possible. On the whole, political economy, which in no case could have found favour in the sight of a distressed people, unlettered, imaginative, prone to rely on personal aid, not on social laws, was undoubtedly the cause of many evils, and intense irritation was the consequence. The name of Peel is still revered in Ireland, because he made the State directly step in to give food to the distressed poor; Lord John Russell did not adopt this course, and he was charged with murder by more than coroner's jury.

The discontent caused by what was then called the selfish and callous policy of the Whigs was by no means confined to the lower orders in Ireland, or to their recognised leaders. The gentry felt indignant that they had been thrust aside; that the measures of relief had been planned from "The Castle," and that mere officials directed everything. Complaints, if disregarded, were widespread; I shall only refer to a single instance. I had met Miss Edgeworth more than once at Sonna, and had had opportunities to admire the delicate grace and quiet humour of her most charming converse. In 1847, when in extreme

old age, this gifted lady was again at the place, and she dwelt with Mr. Tuite, who heartily concurred in what she thought the extreme unwisdom of part of the policy being carried out in Ireland. One of her expressions still clings to my mind. "The fatalism of the economists," she remarked, "will never do in a great trial like this;" and she read us a letter from Lord John Russell, complimentary and courteous, but refusing to listen to certain projects of relief. "He is true," she wittily said, "to the motto of his house; but *Che sarà sarà* is the faith of the infidel."

I have dwelt on the events of the great famine, for the results have been immense and far-reaching; they are at work in Ireland at the present moment. A great social revolution took place, and it is difficult to say whether for good or evil. Two millions and a half of the people fled the land; the population has ever since decreased, and harsh and even terrible as the process was, this has contributed to the national welfare. This is not the place to examine the causes that covered Ireland with a dense mass of poverty, hanging on the land as a destructive burden, disturbing and injuring landed relations, and making social progress well-nigh impossible. The removal of this incubus in some measure threw the soil open to a better kind of husbandry, promoted prosperity to some extent, and improved the lot of the humbler classes remaining in the country left by their fellows, if the benefit has been certainly less than enthusiasts expected forty years ago.

The consequences of the famine, nevertheless, have been fraught with mischief only too apparent. The policy of the Government fatally weakened the influence of the upper classes, already declining for a considerable time; it was followed by measures directly aimed against them, and it has gradually substituted a mere bureaucratic régime, ill-informed, harsh, and essentially weak, for the rule of an aristocratic order, with many faults indeed, but not, on the whole, unkindly. The results, I am convinced, have been unfortunate; but other results of the events of 1846 have been attended with infinitely worse evils. The evictions of that time have been never forgiven, and still less so a great deal that was done or left undone by the statesmen in office. It was not only that a community in despair could not be just in its view of what could be achieved by the State; it was not only that universal suffering provoked the angry cries of afflicted millions. A quick-witted and suspicious people felt that they were being forced from their homes by the Government; fiercely resented the horrors of the Atlantic passage, and what they thought the cruelty of the men in power, and this sentiment was exasperated by unwise speeches, and by the coarse taunts of part of the press in England, announcing that Ireland "only needed depletion." "The Celts," who, the boasters said, "had gone off with a vengeance," formed a new Ireland across the Atlantic, inspired with intense hatred of the British name, and of the class that upheld British power

in Ireland. In the fulness of time they have had their revenge; they have been the authors of a movement that has already had pernicious effects in England and Ireland, and that is shaking the bases on which the Empire rests.

CHAPTER V

IRELAND, 1847–54—CALL TO THE IRISH BAR

I HAD received the Commission of the Peace before I left Oxford from the late Lord Rosse, the Lieutenant of the King's County. Lord Rosse, the constructor of the well-known telescope, for many years the largest in the world, represented a family which had shone with peculiar distinction in the Irish Parliament, men of vigorous thought and keen intelligence, but disciples rather of the narrow school of Flood than of the liberal and enlightened faith of Grattan. My acquaintance with Lord Rosse was only slight, for Gartnamona is twenty miles from his place; but he combined qualities seldom found together; he was a philosopher and scholar of the first order, an able and energetic country gentleman, and a diligent and successful man of business. I took the oaths in the presence of the late Richard Lalor Sheil, a colleague of O'Connell in the old days of the agitation for the Catholic claims, but then a gratified placeman of the Whigs, and still, as Disraeli has left on record, the most brilliant rhetorician of his time. Mr. Sheil kept me to luncheon, and talked a good deal about Ireland and the woes of the famine, but I had perhaps formed too exalted an idea of his parts; his conversa-

tion was not, to my mind, striking. It showed no signs of the brilliant and taking phrases, not unworthy of the art of Voltaire, which flashed like lightning on the House of Commons; his manner was not good, and his voice was reedy. Sheil, however, had true oratorical genius, though his style was too polished and artificial—it strongly resembled that of Massillon —and good judges who heard both have compared him to Grattan. His reference to history as "the recorder whose lists are not lost, the tribunal whose juries are not packed"—the worst incidents of O'Connell's trial—has always seemed to me a most happy expression.

I was at Gartnamona during the next few years, the dregs, as they may be called, of the famine. I had made up my mind to go to the Irish Bar, but the poverty of the gentry was such, that I had not £100 to pay the necessary fees, and, spite of myself, I had to live in the country. My time, however, was not misspent; I continued and enlarged my Oxford studies, devoting, I recollect, many months to Plato; I read Adam Smith and John Stuart Mill, and satisfied myself how inferior they were, even in their own province, to the great Greek masters; and I renewed my acquaintance with Irish history, becoming a subject of increasing interest. I became, too, rather an active magistrate, filling the chair occasionally at Petty Sessions and attended the Assizes as Grand Juror, and I acquired in this way a knowledge of county business and of local administration which I

have found of value. I believe, indeed, I might have obtained the post of a "paid" magistrate, but I looked forward to better things, and I have often felt since how well it was for me that I did not become a Justice in a remote tract of Connaught or one of "Balfour's Band of Removeables," in the cant of Irish patriots of this day. Let me say here, however, that this excellent body of men are in no sense incapable Shallows; they are, for the most part, valuable public servants, and, as far as my own experience extends, they have admirably performed very trying duties.

My mind, however, as was the case with my neighbours, turned chiefly at this time to the state of Ireland. The famine-stricken districts of Munster and Connaught, depopulated and ruined, remained quiescent, but there was much discontent in some of the large towns, and in parts of the midland and eastern counties, due mainly to the events of the famine, and to what was denounced as selfish English policy. O'Connell had by this time died, broken-hearted and in despairing loneliness, and the Repeal agitation had finally collapsed. But the Young Ireland party, kept down by him and by the priesthood, had again stirred, drawing into itself confused elements of passion, disorder, trouble, and poverty; a new life seemed to spring up from a corpse, and a revolutionary movement, differing in many points from any that Ireland had seen for years, began to spread, and to shake society in parts of the country. Unlike that

of 1843–44, this movement was not upheld by the Catholic Church, and had little influence on the Celtic masses; and it never possessed essential strength, though it seemed to acquire force for a moment from the anarchy of 1848 on the Continent, and in some measure from French sympathy. Its most prominent leaders were, in fact, Protestants; the nominal chief, Mr. Smith O'Brien, being indeed a Protestant gentleman of large estate; and though there was little agreement between them, the agitation assumed in their hands, by degrees, a distinctively twofold character. Late events had produced an intense feeling of animosity towards the British Government, and eviction and emigration had aroused angry passions against many Irish landlords. The cry of Irish nationality was thus revived, accompanied with wild threats of rebellion; the landed gentry were vehemently denounced as never had been the case before, and there was a clamour against property of a socialistic kind. Treasonable associations were formed in Dublin and elsewhere, with ramifications throughout the country; a Jacobin press teemed with fierce invectives against everything that pertained to British rule; secret societies spread in many counties, and there was a great deal of agrarian disorder, marked occasionally by a refusal to pay rent, though there was no general agrarian rising. The agitation of 1848–49 was, in fact, the opposite in most respects of that of which O'Connell had been the master-spirit.

This movement, never allied with Catholic Ireland,

and denounced ere long by its sacerdotal leaders, came suddenly to an ignominious end. Mitchell, the Marat of an incendiary journal—he described the Lord Lieutenant Clarendon as a British butcher—was quietly sent off to Botany Bay; the patriotic army of Smith O'Brien was overthrown in a cabbage garden; most of the spouters of sedition disappeared; agrarian disturbance was summarily put down; and two of Thackeray's most witty ballads form the best epitaph on the "rebellion" of those days. There was a shout of ridicule and contempt from England, yet probably our statesmen thought too lightly of troubles they had repressed with ease. The cry, "Ireland a Nation," indeed ceased, and was not even heard of for many years; but the germs of an agitation were sown at this time which ultimately were to bear most deadly fruits. Irish rebellion, and all that belongs to it, has been associated for ages with agrarian outbreaks, and with crime and disorder springing from the land. John Finton Lalor, one of the "men of 1848," obscure but able, perceived the sequence, and the best chance of subverting "Saxon" rule in Ireland, and of gaining for her the independence he dreamed, lay, he believed, in the union of these two forces. "Attack the English garrison entrenched on the land, combine the tenantry of Ireland against their landlords, and then, and only then, will you have a leverage to sap and annihilate British power;" and he handed down this faith to keen-eyed successors. The movement inaugurated fifteen

years ago by Davitt and Parnell, and ever since continued, was, in its conception, exactly the same as that advocated by this acute thinker, and it has produced some at least of the results he hoped for.

The sentence of death on Smith O'Brien was commuted into one of foreign exile, and he returned to Ireland with a free pardon, I made his acquaintance many years afterwards at a watering-place on the west coast of Ireland, and I was his companion in more than one pleasant walk. He was a highly accomplished and well-informed man, an Irish gentleman of the best type; and he had shown his sense of the becoming by a refusal to imitate the example of fellow-prisoners, and to break the parole he had pledged to the Government. He did not conceal the contempt he felt for most of the leaders of the movement of 1848–49, and even for O'Connell and his priestly following; and he emphatically condemned the creed of agrarian plunder, as was natural in the case of an Irish landlord. He was, however, an enthusiastic and sincere Nationalist of the school of Davis and Sir Gavan Duffy; and I could perceive how his extravagant views amazed his sensible wife and young family. His foible was weak and palpable vanity; he was continually harping on what he had done and suffered; and he believed in his heart that the old kingship of the O'Briens might be revived in his person in the form of a ruler of "a free Irish nation." One instance of this quality amazed me much: the warrior of the Malakoff was the Irish hero of the

hour, and Smith O'Brien took care to remark more than once that "Macmahon was a cadet of his family," and was evidently jealous of the General's renown. His vanity, indeed, passed all bounds; and I remember when, on one occasion, we were in a wicker-work boat under the mighty cliffs of Moher, with the Atlantic spreading to the west for thousands of miles, thinking to myself that, if a tempest caught us, the ocean would have engulphed two fools.

The movement of 1848–49 became threatening in three or four counties, especially in Tipperary and in parts of Waterford. We know from Mr. Hare that the princely charity of Lord and Lady Waterford in the years of the famine did not save them from insult and even danger; the wild Celts of the Commeraghs were aroused against the "bloody Beresfords" — champions of Protestant ascendency in bygone days — by a class since well described as "village ruffians." This was the case, too, in a few other districts, but the King's County was but slightly affected. There was some disinclination, indeed, to pay rent, but this was mainly due to the distress of the people, still suffering from 1846–47, and there were several instances of agrarian crime, but my neighbourhood at least was for the most part peaceful. Still signs of unrest and trouble existed, and these were mainly connected with the land being "cleared" in places of its old occupants and undergoing, as elsewhere, a great social change. I may refer to two examples of disorder of this kind within my own

experience at the time. In the autumn of 1849 the tenantry on more than one estate made away with the harvest, robbing their landlords in order to join the exodus to the West. These "flittings" usually occurred at night, and were accompanied by local Jack-Cade-like gatherings. A mob of this kind with a train of carts laden with corn made a demonstration against a police barrack some two or three miles from Gartnamona. Shots were exchanged after an angry challenge, and more than one constable was mortally wounded. Being the nearest magistrate, I investigated the affair. Three or four prisoners were returned for trial, but they were acquitted, as but too often happens in the case of agrarian crime in Ireland, which engages the sympathy and the fears of juries. The sequel of the story is significant of the tendencies of the Irish peasantry in instances of the kind. Several of the marauders were wounded by the police, but they were carried away to a neighbouring village, a kiln of bricks was built to conceal them, and after hiding in this way for weeks, they contrived to take ship and reached New York in safety. The facts must have been known to many on the spot, but their secret was as religiously kept as was that of Charles Edward's place of refuge among the Macdonalds after Culloden.

The second instance occurred to myself; it was a trifle, and yet in some measure curious. Wild ideas about the land were abroad, as has always happened in Irish troubles, and a bailiff who had been dismissed

from our service took it into his head to cut turf on one of our bogs, to which he had not even a shadow of a right. I warned him over and over again in vain, and then, having procured a magistrate's order for the attendance of constables to keep the peace, drew away the turf in our own carts. There was no disturbance of any kind, except cursing from the mouth of the defeated trespasser; but he went and swore informations against me, and a magistrate was foolish enough to return them for trial. The judge at the Assizes was extremely angry, and peremptorily told the jury they were bound to acquit; yet he had much difficulty in making them concur, and the affair cost me some £15. We laughed over the subject more than once in after years, when I was at the Bar, as the judge—a cousin of the late Sir Philip Crampton, one of the most eminent physicians of his day—once said to me, "Ireland is the only country where everything on the land is turned upside down."

I was often on visits during these years to kinsfolk in different parts of the country. My grand-aunt, Lady Clanricarde, was still alive, and her hospitable house was always open to me. I had become by this time something of a real scholar, and I thought of turning to account the taste for writing which I had acquired at Laugharne and improved at Oxford. I sent papers to the *Dublin University Magazine*, an excellent journal, unhappily extinct — it numbered Lever, Butt, William Archer Butler, and other eminent men upon its staff—and three of these, on

the great Greek dramatists, attracted the attention at Trinity College of two or three of the then rising Fellows. I wrote also a good deal for the *Dublin Evening Packet*, a newspaper long ago defunct; and I can still call to mind with what pride I put two guineas a week in my pocket for contributions on Tuesdays, Thursdays, and Saturdays. These youthful essays and articles were only trifles; I have written thousands of pages since; but except that I hope I have matured in thought, and that my style has gained strength and ease, I do not perceive much growth or improvement.

I witnessed during one of these visits the triumphant progress through the chief town of Ireland of the Queen and her late lamented Consort. I took no part in the Castle festivities—a Court dress was far beyond my means; but I beheld and observed scenes that strongly impressed my mind. Famine had ravaged the land, and brought death and pestilence; there had been a show of a rebellious outbreak; the Government had been savagely decried; and the few mob leaders who still plied their trade endeavoured to make a display of sedition. Yet all bitter memories and feelings disappeared in the enthusiastic and passionate acclaim which everywhere greeted the royal visitors, whether in the wealthy or in the poorest parts of the city. Black flags were hung out at a few spots, but they were instantly torn down by the indignant populace; the streets swarmed with delighted crowds expressing their loyalty in resounding cheers; and

Dublin, decked out in many-hued colours, revelled in a holiday of unfeigned joyfulness. The sight of the review in the Phœnix Park, and of the departure of the royal squadron from Kingstown, was one of universal goodwill and sympathy; Ireland gave from her heart "her thousand welcomes;" and she looked forward, as it were, to an auspicious future. This promise of hope has not been fulfilled; and except at distant intervals, and for a very few days, the presence of the sovereign has not been seen in Ireland. This has been a great, perhaps an irreparable mistake; opportunities of inestimable worth have been lost for gaining the affection of a warm-hearted race. When will Englishmen learn that the Celt is to be won, not by institutions, laws, and abstractions, but by the magic of personal rule and kindliness? "Shall I send Macmahon to Ireland or some other handsome Marshal," is said to have been a phrase of Louis Napoleon.

The country meanwhile had by degrees been recovering from the effects of the famine, and was putting on a new and more happy aspect. The torrent of emigration indeed still ran, bearing away thousands of peasants in its course; and even in the King's County you could see roads often darkened with human waifs and strays hurrying to join the first masses of emigrants to the Far West. But fear and extreme misery had well-nigh disappeared; the Poor-house was no longer choked with a multitude, and even in the distressed districts you heard less

of starvation. John Stuart Mill has remarked how quickly nature repairs the destruction wrought by dearth; and other and powerful causes concurred to produce suddenly a kind of social progress. The millions who had gone, and were going, made the condition of the millions remaining much better; wages rose as the supply of cheap labour lessened; and as there were fewer mouths to feed, there was more to feed them. The chief improvement, however, was seen on the land, which in some districts had been almost transformed. The removal from the soil of a teeming mass of penury had tended everywhere to the consolidation of farms; little holdings of one, two, and three acres, unable to support a family in any sort of decency, were enlarged into holdings of more reasonable size; a grave social danger was thus diminished, and a real impetus was given to husbandry. At the same time, the solitudes, cleared by eviction, and by what may be called emigration *en masse*, were being thinly peopled by a new race of occupants, for the most part men of more or less substance; and a number of Scotch and even of English settlers made their way in places into these deserted tracts. Ireland, in fact, was "planted" anew in some counties, as she had been "planted" in the sixteenth and seventeenth centuries; and an agrarian revolution not unlike that after the fall of the religious houses in England was witnessed in parts of Munster and Connaught. Capital flowed in where it had never flowed before; improved agriculture swept away the potato

patch and the mud hovel, over a large and yearly increasing area; and landed relations appeared placed on a sounder foundation than had been the case formerly.

These symptoms of progress were not unreal, if they were evanescent to a great extent, and to a considerable degree deceptive. They misled, however, most of the statesmen of the day, who, like the Cokes and the Spensers of another age, thought Ireland launched on a tide of prosperity. To accelerate this movement an expedient was planned which was widely considered a grand stroke of policy. The authority of the landed gentry of Ireland had been, I have said, for a long time in decline; they had been unpopular since O'Connell had challenged them on the Catholic question; they had irritated the Government during the famine; and if they had been directly encouraged to "clear" their estates, the evictions that followed had been condemned in England. At the same time, as the result of various causes, of which mere extravagance was, no doubt, the least, the estates of many of the order had become loaded with debt; and owing to impediments in the law, and to the social state of Ireland, their lands were difficult to transfer, and were kept out of commerce. The Irish landlords were thus disliked and powerless. In these circumstances, it was deemed an act of real wisdom to get rid of the order as largely as possible, and to replace it by a new race of owners; and the events of 1846–49 supplied the occasion. The gentry, now

more than ever distressed, were to be sold out by a summary process; their lands were to pass into the hands of men able to improve and to do them justice; the divisions of class in Irish landed relations were to be bridged over and to disappear, and the Irish peasant would derive immense benefits from the better discharge of the duties of property. The policy of eviction applied to Irish tenants was, in a word, to be applied to Irish landlords; and great national advantage was to be the consequence. This idea, originating, it is believed, with Peel, was eagerly taken up by Lord John Russell, and Lord Clarendon in Ireland was its chief exponent. He was unquestionably an upright and able ruler; but he was an economist of the hardest type, and he openly avowed his views on the Irish land. The emigration of the peasantry was the first need of Ireland; the next was that the landlords were "to be bought up cheap;" "Scotch and English capitalists were to fill their places, and to reanimate and enrich an exhausted people."

Parliament acted decisively on these broad hints, and a law was enacted in 1849–50, felicitously described by Lord St. Leonards—he had been Lord Chancellor of Ireland for five years—as depriving "Property of the safeguards given by the Habeas Corpus to persons." Every protection afforded to secure estates from hasty and reckless transfer was withdrawn; creditors were encouraged to enforce their claims, however hopeless or detrimental to others; and purchasers were attracted by the assured pledge

of an absolute and unimpeachable title. The devices of legal ingenuity, too, were put in force to expedite the process, and in the case of the Irish Encumbered Estates Acts it was the hurry and not the "delay of the law" that was ruinous. The conception of the measure was carried out by an execution as severe and iniquitous. A Special Court of Commissioners was set up, and it did its work in the spirit of the Courts of Cromwell that dealt with the Irish land in the seventeenth century, and in the passionate language of Burke, committed "the ravages of war" under the cloak of peace. The results became manifest in a few months, and form an evil record of what was called public justice. Estates were forced into the market wholesale, by tens, dozens, and twenties a week, and were repeatedly sold for seven or eight years' purchase. As the work of havoc went on, land became a mere drug, and was tossed, like a worthless spoil, to the best bidder, very often for almost a nominal sum, and tyranny and jobbing concurred to effect a policy of wrong. These scenes continued for a considerable time; I witnessed more than one with indignant feelings; and I do not hesitate, after the lapse of forty years, to condemn them as confiscation of a very evil kind.

A considerable transfer of Irish landed property was certainly advisable at this period. But the change should have been slow and tentative; it should not have been part of an unfair policy directly aimed at the subversion of a class. A large number of ancient

and honoured families which might have been saved had right been done disappeared in a far-reaching shipwreck, and ultimately about a sixth part of the Irish soil has been bought and sold under the Encumbered Estates Acts. I shall notice afterwards the effects on what I may call the land system of Ireland of this revolution in its full development; I may here say that the sanguine hopes of its authors have been in all respects falsified. Hundreds of landlords were ruined and driven from their homes, but they were not replaced by energetic men of substance, and English and Scotch capital has only reached the land in the injurious form of enormous mortgages belonging to great absentee companies. The estates transferred by the Encumbered Estates Court passed for the most part into the hands of a needy class—in numerous instances, small town shopkeepers; these usually borrowed largely to complete their purchases, and they became the worst landlords ever known in Ireland—worse, perhaps, even than the notorious "middlemen"—the "squireens" of Arthur Young and Miss Edgeworth — or than the *hobereaux* of the ancient régime in France. As a result, Irish landed relations over a large area became markedly worse; the divisions between the owners and occupiers of the soil were widened and deepened, not lessened; and rack-renting and exaction were more than ever prevalent. The dealings of the Encumbered Estates Acts purchasers contributed in no slight degree to the agrarian rising of late years; the experiment

should be a warning to British statesmen not to meddle inconsiderately with the Irish land question, a subject few of them really understand.

The avowed objects of the projectors of the Encumbered Estates Acts were wholly social, and in no sense political. There may, however, have been an unavowed policy—the extension of the power of the Central Government on the ruins of the prostrate landed gentry; and this was in a great measure successful. As the old landlords were being swept away, and new men, seldom of good position, and without the associations that belong to property and are the growth of time, were placed in their stead, the authority of the whole order diminished, and the bureaucratic régime of the Castle, already making itself increasingly felt, was substituted for that of an aristocratic order. Ireland became more and more governed by a mere official class, by a paid magistracy, by a police controlled from Dublin; and the results, in my judgment, have not been fortunate. I shall notice these, too, when they reached a climax; enough now to remark that they produced in Ireland a change resembling that which took place in France when the intendants and sub-delegates of Louis XIV. thrust aside the seigneurs in the rule of the provinces—a change of which the pernicious effects have been traced by Tocqueville with a master's hand.

The mere administrative business of the Encumbered Estates Court was, for aught I know, very well conducted. There was an immense array of

skilled clerks and officials. Mistakes, however, were certainly made, as was inevitable, under an overwhelming stress of work; for example, the notorious John Sadlier could hardly have committed his wicked frauds had there not been negligence in this instance. One of these mistakes painfully affected myself, and caused me for months a great deal of annoyance. Part of our estate was sold in the Encumbered Estates Court, but there were large arrears of rent not paid, and these, as the law then stood, belonged to the former owners. By some mischance, however, that was never explained, the purchaser claimed a part of these monies. I gave repeatedly warning in vain, and the upshot was that three tenant families were dispossessed, under an order of the Court, for a demand it had no right to enforce, and for a debt due to myself and my mother. The agent of the purchaser was most unhappily shot—whether this was the crime of the injured tenants has never been proved to this day; but even if it was, a wrong had been done, and some one in the Encumbered Estates Court was unwittingly to blame. The matter was taken up by a local paid magistrate. I was reported to the Castle as having acted badly—I daresay a black mark was affixed to my name; and a tax was imposed on the demesne in our hands, like the Saxon weregild, a stigma placed on myself. I was not exactly the person to submit to this kind of thing, and I brought an action against one of the three tenants in order to prove our title to the arrears.

The cause was tried before the late Chief Baron Pigot, and that most learned and high-minded judge expressed himself strongly on the violation of our rights, and on what had been done through a disastrous accident. The tax, I need not say, was instantly removed, and I received a handsome letter from the Attorney-General of the day assuring me that I had been in no sense to blame. But the incident proved that an error had taken place. It was, perhaps, the first of many that have made me regard the administrative system of the Castle with a certain amount of distrust.

I fully expected, with most people, that the economic results at least of the Encumbered Estates Acts would make for good, but I resented the attack on the landed gentry. My views were expressed in a little pamphlet signed an "Irish Magistrate," and long ago vanished; but it attracted, I believe, much notice at the time, and I have seen its forecasts completely fulfilled. By this time I had scraped together the £100 required to become a law student, and my name was entered at the King's Inns in Dublin nearly three years after I had left Oxford. I lived in a house in a petty suburb belonging to an old steward of my grandfather, and I heard from him most of the anecdotes about his "revered and honoured mater" —he was the Caleb Balderstone of our Ravenswood— which I have set down in this brief narrative. I also wrote a little for the Press, but devoted many laborious hours to law, and acquired some knowledge of

its essential principles—scholastic, feudal, historical, and of Roman origin—learning absolutely necessary for a real lawyer, that cannot be attained by mere practice, and that should be the chief object of a student's reading. I was for eighteen months a pupil of the late Mr. Hamilton Smythe, Q.C., an excellent and accomplished man, who had written on the law of landlord and tenant, and had very liberal views on the subject; and I obtained from him not only much legal lore, but an insight into Irish landed relations, more accurate, perhaps, than I had had previously. I remember spending half a long vacation with him in preparing an action of *Quare Impedit*—a formidable task for a pleader's skill; and took the greatest delight in tracing the Clanricarde title through the obscure mazes of all kinds of muniments, and in bolstering it up in places by adroit suggestions.

I entered Lincoln's Inn in Michaelmas term 1852, and ate my dinners for the Bar during the next ten months. This was required in those days from Irish students; they were expected to learn English law in English courts, and the custom in many respects was laudable; O'Connell, for instance, thought well of it. Most of these aspirants went to Gray's Inn, but there were five or six at Lincoln's Inn in my time, among others Falkiner, now the Recorder of Dublin, and for years the leader of the Irish North-East Circuit. I could not afford much private instruction, but I worked hard to learn my profession, and seldom missed a day in repairing to the library of Lincoln's Inn from a garret

I lodged in in Duke Street, St. James's. A student of the name of Mathew often sat with me in a nook of the compartment I had selected; this must, I think, have been the present Judge Mathew, the President of a Commission of late notorious. The system of legal education, ever since continued, had been established for a few months, and I derived great advantage from the professional lectures, and from the examinations incidental to them. The readers were, without exception, learned and able men, and my acknowledgments, at least, are due to the whole body. But, as may be supposed from his subsequent career, Henry Sumner Maine towered over his fellows; he was reader in jurisprudence and Roman law, and his profound and philosophic teaching, rich with genius and historical knowledge, prefigured the author of "Ancient Law," of "Village Communities," and of "Early Institutions." He made the art scientific and lovely, and I feel I owe a large debt to him. I may perhaps add here that an essay by me, written long afterwards for a leading quarterly review, on his admirable work on the Brehon Laws of Ireland, received his praise and that of the discerning editor; any merit it possessed is probably due to the influence his lectures had on my mind.

I occasionally went in those days to the courts, and took notes of remarkable trials, a useful practice perhaps for a student of law. Lord Campbell presided in the Queen's Bench; his strong sense, acuteness, and Scotch accent made him in some respects

a notable judge; but I have seen Chief-Justices of a higher order. Cockburn and Thesiger were the leaders in the courts of Common Law, but I never heard either on a great occasion. I attended more regularly the Court of Chancery, then holding its sittings at Lincoln's Inn, and I witnessed many a trial of strength between Bethell and Rolt, then supreme in Equity. The pair formed a very striking contrast; Bethell, saturated with the principles of law, a man of extraordinary gifts and power, and a reasoner in the best Oxford style; Rolt, no scholar, and only a great case-lawyer, but of remarkable capacity, and possessing admirable skill in marshalling the facts of a complicated cause. Lord Cranworth was Lord Chancellor, and being no match for Bethell, was overborne by a master of his art, who delighted in making his superiority felt. I beheld on one occasion a scene of this kind, which annoyed, I should think, the many bystanders. The question was whether the tenant for life of a West Indian estate was bound to keep up a sugar-cane plantation confessedly a loss; it was a difficult question, and there was no precedent. Bethell was arguing with his accustomed force, drawing refined analogies from Roman law, when the Chancellor, evidently out of his depth, bent forward and remarked with great urbanity, "I really cannot understand your argument." The great advocate deliberately stared him in the face, and lisped out in the simpering tone of impertinence characteristic of him, "My Lord, I am not surprised, but I cannot help it,"

and the Chancellor fell back dumbfounded and beaten. This upright magistrate, however, had his revenge for this and many other slights. He succeeded Bethell, who, as Lord Westbury, was practically compelled to leave the Woolsack, and Her Majesty, it is reported, said, in giving him the Great Seal, "Lord Cranworth's wisdom and goodness are better than cleverness."

I kept aloof from society during these months of work, and saw very little of the great world of London. The huge city, I could observe, had become very different from what it had been fifteen years before, but it did not yet wear an imperial aspect. My only amusements were to go into the country on Sundays —railways even then were running out everywhere— or occasionally to resort to the French play, and I am happy to recollect that I beheld Rachel. I could not have believed, until I saw it, what the histrionic art could accomplish. Her Andromaque and Athalie were simply perfect, and she breathed a life into the weak creations of Racine which I could not have supposed possible. I witnessed one magnificent spectacle of the time, the funeral of Wellington, a wondrous scene, which those who attended it can never forget. The military procession, although fine, could have been surpassed in Austria or France; the procession of the Ministers and of the great officers of State was not as imposing as it might have been made. What was really grand, and what could not have been seen in any other country, was the enormous confluence of

a sorrowing people flocking into London from the remotest parts of Scotland and England. The streets were crowded with multitudes in silent grief, and a great nation solemnly mourned a loss. I noticed a trifling incident that I may perhaps mention. A little party of French cadets from St. Cyr were walking in the Strand when the pageant was interrupted by a rude mob cursing at them in true Anglo-Saxon fashion. The lads formed square, with the coolness of veterans, and kept the assailants easily at bay until policemen appeared on the scene; a gentleman who was passing by made the remark, "This is not a day to crow over Waterloo."

Though my destination was the Irish Bar, I attended the examination of Law Students preliminary to a call to the Bar of England. I was cross-questioned in Fearne's Contingent Remainders — that Aristotle of Real Property Law—by a grey-headed and very kindly personage, who, I was informed, was Lord St. Leonards; and he was good enough to say I knew the book. In Equity I was taken up by Bethell—Legal Education has owed much to him; he played me exactly as he would a fish. He asked me first a few simple questions, letting me run off as quickly as maybe; he then pulled me up with a kind of masterly jerk, and, landing me, put me out of trouble. "You must what the French call '*approfondir cela*,'" he drawled out placidly; "possibly you may become a lawyer." I obtained a "Certificate of Honour," as it was called, but by some mistake my

name was not put on the list. The certificate, however, remains in my hands, and the Benchers, the governing body of the Irish Bar, gave me, in consequence, the allowance of two terms, which was given in the like case in England.

CHAPTER VI

THE IRISH BAR AND BENCH

I WAS called to the Irish Bar in Hilary term 1854, and was in the practice of the profession for nearly twenty years. The Bar of Ireland, like that of England, has embodied parts of the national history, and in some measure reflects its character. In the Plantagenet and Tudor periods of Ireland it was a corporation of the colonists of the Pale, and doubtless regarded with unmixed contempt the Brehon usages of the Celtic land. Its heads were for the most part composed of Churchmen, of scions of noble Norman houses, and of "learned clerks" who had won their way upwards; and the men of the gown, like the men of the cowl, true to the instincts of a dominant race, often went on "hostings" against the "Irish enemy." It rapidly acquired influence in the State as the march of conquest advanced in Ireland, and the "lewd and sluttish" customs of the aboriginal Celts were effaced by English law in all parts of the country; and Sir John Davies, a very able man, the author of an admirable tract on Irish history, and a contemporary of Bacon and Coke, represented the best Anglo-Irish legal intellect of the day.

Irish lawyers held a distinguished place in the

Parliaments of the first Stuarts in Dublin, and some of the most eminent Irishmen of the time were concerned in drawing up the great statutes which established the existing settlement of the land in Ireland. Too many, however, of these men played the jackal to the lion of conquest, and appropriated forfeited lands of the Irishry by devices like those of Hastings and Clive in India. The names of Loftus, of Boyle, of Domvile, of Bolton, were prominent among these successful spoilers. By the latter part of the seventeenth century the profession had become powerful and flourishing; the Acts of Parliament and the conveyances of the day gave proof of considerable legal skill, and the "King's Inns," still the school of the Irish law students, founded in the reign of Edward VI., had a yearly increasing supply of members. The Irish Bench and Bar played a remarkable part in the Revolution of 1688–91, and had illustrious names on both sides of the conflict. Sir Charles Porter and Sir Richard Cox were notable champions of the "English interest." The charge of Chief-Justice Keating in the State Trials may be read to this hour as a pregnant warning against Irish agrarian outrage. Spring Rice, Nagle, and Daly, on the other hand, did good service in the cause of the "Irishry," and were acknowledged even by enemies as upright men; and to these should be added Sir Theobald Butler, a scion of the princely house of Ormonde, and afterwards the eloquent opponent of the cruel Penal Laws.

During the first eighty years of the last century—the darkest era in the sad annals of Ireland—the Bar faithfully represented the state of the island. The rule of England was absolute and supreme; the British Parliament had the power to enact laws for Ireland; the British executive and the English law courts curtailed Irish administration at every point; the Parliament of Ireland was a corrupt vestry; the ascendency of a sectarian caste was complete; the conquered race were helots in their own land. Every feature of this unhappy condition of affairs was clearly seen in the fortunes of the Irish Bench and Bar. The Chancellors and chief judges were nearly all Englishmen; Primates Boulter and Stone, long supreme at the Castle, wished every judge to be of English extraction. The judges, too, held their offices merely at will, and not, as in England, on good behaviour; subserviency to power was the necessary result, and meanness opened the way to promotion. The administration of justice was harsh and corrupt, even to independent spirits of the dominant class, as the prosecution of the Drapier amply proves, but it was especially so to the vanquished children of the soil, "for a Papist was presumed not to exist in Ireland." The barbarous Popery laws—instruments of social torture far worse than the thumb-screw or the boot—were carried out ruthlessly for years "against the common enemy;" the ruling Protestants were sheltered by law from the consequences of wrongs of all kinds; law was a machinery

of oppression for the Catholic people. The Bench and Bar became thus more or less degraded; independence could not grow up and flourish in the unwholesome atmosphere of Castle power; stirring advocacy was rendered well-nigh impossible; the eloquence that belongs to free courts of justice could hardly find a place before slavish tribunals, administering injustice to five-sixths of Irishmen, and few lawyers were eminent in the assembly in College Green. Swift, infinitely the keenest observer of his day, held up the Bar and Bench to contempt and ridicule, denounced Bettesworth as "a booby" and Whitshed as "a rogue;" even the gentle Berkeley did not admire the order.

Yet even in that dismal and evil time the law had professors of renown in Ireland. The immense confiscations of the preceding century and the unnatural intricacies of the Penal Laws produced litigation of many kinds—it was prolonged even within living memory—and there was a great flow of business to the courts in Dublin. Ability naturally went where it found a recompense; the fees at the Bar in those days were high; and if the judges held their sittings amidst wretched lanes—a hideous labyrinth of squalor not far from the Castle—the houses of the leading lawyers were nearly all excellent. Few reports of the causes of that age remain, but the names of Tisdall, of Singleton, of Marlay, of Bowes, were ornaments of the Irish Bar between 1720 and 1760; and high over all was that of Anthony Malone.

I have already referred to that distinguished man—I repeat with pride I may call him a kinsman. Enough to add here that in the Irish forum he justified the words inscribed on his bust by Flaxman, and applied by Cicero to a great Roman advocate—"In Scauri oratione, sapientis hominis et recti, gravitas summa, et naturalis quædam inerat auctoritas, non ut causam, sed ut testimonium dicere putares, cum pro reo diceret." Besides, as the close of this period approached, a better state of things grew up in Ireland, and this improvement appeared in the legal profession. Time threw kindly growths over a settlement of the sword; the British Parliament ceased to meddle in Irish affairs; the Irish Parliament showed signs of life; the Executive at the Castle, bad as it was, had eminent Irishmen among its members; the civilising influences of the eighteenth century made the greater part of the penal code obsolete, softened the ascendency of the Protestant caste, and mitigated the lot of the Catholic people. All this told powerfully on the Bench and the Bar, and a moral change was witnessed in both bodies. They became more independent and "racy of the soil," were less swayed by corrupt authority, represented the ideas of a better time, were less of an exclusive sectarian order. After the accession certainly of George III., the law in Ireland was administered in a different spirit from what had been the case thirty years before; the Protestant was not superior to it; it afforded the Catholic the hope of justice. One circumstance had greatly furthered the

change: Irish Catholics could not yet be called to the Bar; but this restriction was largely evaded in fact, and the legal profession began to be thronged with members of the still proscribed faith, converted in name, like thousands of the Huguenots of France.

The Irish Revolution of 1782 had a considerable effect on the Bench and the Bar. Grattan's Parliament, composed of the Protestant caste, and mined throughout by corrupt influence, did not indeed make "Ireland a nation," whatever may be said by enthusiastic ignorance; it did not even do much for Catholic Ireland, except at the instigation of Pitt and his Cabinet, urged forward by the patriotic genius of Burke. But Protestant Ireland was made all but independent in name. The British Parliament could no longer enact Irish laws; the Irish Parliament was supreme in Ireland, if largely controlled by the arts of the Castle; and Grattan and his followers, small in numbers as they were, breathed a liberal spirit into the body in College Green. The Irish judges, too, were at last given the security their fellows had long obtained in England—the only pledge of the administration of pure justice; the Irish courts were no more controlled by the English, and the Irish Catholic was openly admitted to the Bar—if not until 1792–93—though he could not attain the rank of king's counsel or of judge until nearly forty years afterwards. All this infused fresh vigour, energy, and life into the legal profession in many ways; it became more powerful and more prominent than it had been

at any preceding time, and other causes worked in the same direction. The increased authority of the Irish Parliament, and the great number of its small boroughs, made it a lucrative and attractive field for lawyers. Hussey-Burgh, Yelverton, Fitzgibbon, Ponsonby—not to speak of a host of lesser names—were men of conspicuous mark in the strife of the Four Courts and in the debates of the earlier years of Grattan's Parliament. The horrors of the Rebellion of 1798 brought out the genius of Curran in full relief; there never was a more undaunted advocate, or one who had nobler gifts of soul-stirring eloquence. The contest on the occasion of the Union, too, made the great powers of Lord Clare manifest; provoked the sedate Plunket to passionate wrath; drew fierce invectives from the austere Saurin; gave birth to the humour and grace of Bushe; and called out, for the first time, the rude strength of O'Connell. The period from 1782 to 1800 was one in which the Irish Bench and Bar held a position in the State it never held before, and probably will never hold again.

The influence of the legal profession in Ireland declined markedly after the Union. The Bar, with a keen eye to its interests, had steadily and fiercely opposed the measure, and it lost an arena for the exhibition of its powers after the disappearance of Grattan's Parliament. Political life in Ireland, too, languished, and an unfortunate turn took place in Irish affairs, not without effect on the Bench and the Bar. Protestant ascendency gained a new lease of

life owing to the obstinacy of George III. and to a grave error of Pitt, and Irish reforms were laid on the shelf during the crisis of the Napoleonic conflict and the strict Tory régime of Liverpool. The Administration at the Castle, besides, became more largely composed of Englishmen; it grew less in accord with Irish thought and feeling in a period of intense agitation and trouble. This was injurious to the Bench and the Bar of Ireland; the great office of Chancellor was filled by Englishmen for more than thirty years; and the Bar acquired a somewhat sectarian character under the long rule of Attorney-General Saurin, a Huguenot by descent and with Calvinistic sympathies.

The profession, however, had many eminent names; on the Bench, Lord Downes and Chief Baron O'Grady, the last described by Sir Arthur Wellesley, when Chief Secretary, as a man of remarkable parts; at the Bar, Ball, Plunket, Saurin, Bushe, and a host of juniors — Lefroy, Joy, Blackburne, Moore, and many others. The most conspicuous figure of all, however, was beyond question Daniel O'Connell, "the Liberator," as he has been justly called, of Catholic Ireland. O'Connell had superiors at the Bar in learning; he was no match for Saurin in black-letter; he had not the logic of Plunket or the charm of Bushe. But there never was a more consummate advocate, if the winning of verdicts is to be a test of merit, and his power as a cross-examiner has perhaps never been equalled. Deprived of a silk gown, as he was, as a Catholic, and too often kept

down by hostile judges, he was nevertheless easily supreme at Nisi Prius; and his conduct of causes in the courts of Common Law remains a tradition of marvellous skill. Yet the genius of this remarkable man—the greatest Catholic Ireland has produced—was most conspicuous in his extraordinary success in organising the inert mass of the Irish Catholics into a living and mighty force in the State; he took up the Catholic cause when it seemed hopeless, and accelerated its triumph by many years; he made the dry bones quicken again and stir: it was no empty boast that he "beat Peel and Wellington." And it must be borne in mind that the great Tribune could never have achieved these immense results had he not been a master of the arts of chicane and craft, and of evading laws directly aimed at him, which legal learning and practice can alone teach.

The Irish Bench and Bar felt the change caused by Catholic emancipation in 1829, a measure of justice too long delayed. A Liberal Administration was in office during nearly ten years after the great Reform Act; and Lord Melbourne's Government practically gave O'Connell the choice of legal appointments. The Conservative feelings and the professional self-respect of the great agitator made these selections good; the men promoted by his influence to the Bench or at the Bar were, with scarcely an exception, efficient and able. This provoked irritation and distrust at first, but as the Protestant monopoly of honours was broken down, and Catholic lawyers rose

to deserved eminence, a better and more wholesome spirit prevailed. The divisions of race and creed, if not wholly effaced, were smoothed away by degrees at the Four Courts; the asperities ascendency caused disappeared, and Protestants and Catholics began to feel like brethren fairly placed in the career of a noble profession. This feeling was attested with signal force at O'Connell's trial in 1844; the Bar broke out in tumultuous acclaim when Sheil advised Irishmen, in impassioned language, to forget the religious feuds which had been forgotten in the Austria of Ferdinand and the France of Louis XIV.

The Bar of Ireland has thus reflected the national fortunes, and has been the best embodiment of the community from which it has sprung. With the exception, perhaps, of Trinity College, and certainly in a higher degree, it is the only institution of which Irishmen of all classes are equally proud; it is the only centre of Irish opinion universally felt to be alike wise and moderate. It is not merely that it has a noble succession of statesmen, orators, and profound jurists; it has long been the sphere of a "true union of hearts," the one spot where Irishmen of every sort meet in friendly fellowship. And in my time, certainly, the distinctions of creed, which are still the worst features in Irish life, were scarely perceptible on the Bench or at the Bar. When I was first called, two or three of the oldest judges, formed in the exclusive school of Saurin, may have shown in their bearing traces of the past, and the lines of demarca-

tion between religious faiths kept legal families apart, as they do to this hour. But judges and lawyers, as a rule, have mixed together freely for years, without a thought of difference of creed; the names of Protestant and Catholic have long ceased to be shibboleths of dissension and dislike; in this matter the Bench and the Bar have long borne themselves as easy-minded Gallios. In my day, no suitor bestowed a thought as to the place of worship whither his counsel went, and it was a matter of course that a Catholic judge would try a cause involving Protestant rights as conscientiously as his Protestant brother, and *vice versa* when the occasion happened. In short, the Bar has long been the one arch of peace that spans the still troubled waters of Irish discord.

The Bar, when I became a member, had entered on a period of hard work and success. The political excitement which had attended the movements of 1843 and 1848, and which had turned the heads of some lawyers, had become altogether a thing of the past; indeed, one or two of the men of 1848, who had been aides-de-camp of Smith O'Brien, had come back to the more congenial wars of the forum. The immense transfer of estates caused by the operation of the Encumbered Estates Acts, and the effects of the famine on landed property, had created a sudden increase of business, and this was promoted by reforms in the procedure of the Courts of Common Law and Equity, which made litigation more cheap and easy. The country, too, was advancing in some

degree in wealth, and seemed decisively on the path of progress; and as the County Courts had not yet acquired the extensive jurisdiction they have since obtained, the Supreme Courts were in a thriving condition. On the whole, the promise for an industrious lawyer was good, and there was but one feature in the existing state of things not in all respects of auspicious omen.

The bureaucratic rule of the Castle had, I have said, been growing in strength, and was making its influence more and more felt, and this was having an effect on the Bench and the Bar. The independence of both bodies was probably less than it had been in the days of Grattan's Parliament, and professional eminence was, to some extent, becoming less the means of promotion than Government service. This tendency, I think, increased in my time, and an accidental circumstance made it more marked. Political feeling was at its lowest ebb in Ireland from 1850 to 1872, and, as the result, lawyers found seats in Parliament for Irish boroughs and counties in rather large numbers. As "Nationalist" principles were not even thought of, these M.P.'s naturally attached themselves to either of the great parties in the State, and accordingly they engrossed the lion's share of professional rewards for what they had done at Westminster. The Bench and the Bar were not the better for this; political services counted more than legal acquirements during this period as a passport to the judicial office; and the consequences were not without mischief.

I have been a lawyer for more than forty years, and have seen two generations, at least, of occupants of the Bench and leaders of the Bar. I can only refer to a few of these worthies; words of mine, indeed, cannot add to their renown. Sir Maziere Brady was Lord Chancellor when I was first called, and he filled his great office for nearly twenty years, a tenure like that of Eldon in England. He had risen to eminence during the period of Liberal Government after 1832, and, I think, first made his mark on a Commission charged to report on Corporate Bodies in Ireland, with a view to the reform which took place afterwards. Having been one of the law officers of the Crown, he became Lord Chief Baron about 1839-40, and he thus possessed the Common Law training—of the greatest value, Eldon has said—in a court of Equity. He was made Lord Chancellor in 1846, when Lord John Russell came into office; and if not a great chief in Equity, he proved himself to be a very able judge during the long period he held the Irish Seals. His judgments are not distinguished for learning, but he exhibited on the Bench the master-faculty of seizing the truth through masses of details, and of forming a sound opinion on the facts before him; he had a perfect knowledge of the law of evidence, and he possessed the strong common-sense which makes the efficient magistrate. He was less brilliant and profound than other lawyers of his time, but he was a very capable, upright, and conscientious man.

The office of Lord Chancellor changes as Govern-

ment changes; the successors of Brady have been numerous. Napier's mind was too much that of a special pleader to sympathise with the enlightened rules of Equity; Blackburne, one of the ablest of Chief-Justices, and Brewster, for a generation the head of the Bar, were both too old when they received the seals; O'Hagan, the first Catholic who, since 1688, was made an Irish Chancellor, was hardly in the right place in that court, though he had been an excellent Common Law judge. I have not attended the Four Courts for many years, and have had no opportunity to form an opinion on Lords-Chancellors Law, Sullivan, Nash, Ashbourne, and Walker, the present chief of the Irish Equity bench, but these distinguished men have been worthy of the high place they have filled. The Right Honourable John Thomas Ball was the last Chancellor I have observed in the supreme seat of justice. This eminent man—I may claim him as a friend—has had a brilliant career in every walk of life; shone at Trinity College from his first youth; soon stood in the front rank on his circuit; made admirable speeches in the House of Commons, and has written more than one learned work which has won for him praise in the world of letters. He was Lord Chancellor during the last years of Lord Beaconsfield's Government; his refined culture, his eloquent tongue, his knowledge of law in all its branches, and the breadth and power of his well-trained intellect, made him one of the brightest ornaments of Irish Equity. On the whole, Ball was

the "best all-round man" on the Bench or at the Bar in my time.

The Masters in Chancery, whose office had points in common with that of the *Maîtres des Requêtes* in the old French Parliaments, were originally head-clerks of the Lord Chancellor, but they had gradually acquired large judicial powers. Their courts were good training-schools for young lawyers; some of the body were very capable men, and the abolition of the office has been perhaps a mistake. The Master of the Rolls was the second Equity judge in Ireland, and the place, when I put on my gown, was filled by Mr. T. B. C. Smith, wittily called Alphabet Smith by O'Connell. He was the son of a very distinguished judge, whose charges were of singular merit, but who had lingered on the Bench too long, and he stood in the foremost rank at the Bar when, as Attorney-General, he conducted O'Connell's trial. His temper was hasty, though not vindictive; and on this occasion he called out a counsel of great parts on the opposite side, a scene probably unparalleled in a court of justice. As Master of the Rolls his infirmity did not forsake him, but he was a very learned and upright magistrate, highly respected and esteemed by the Bar. After a brief interval his place was filled by Sir Edward Sullivan, one of the most powerful advocates and ablest judges who have ever adorned the profession of the law. His fearlessness and force at the Bar were striking; his hatred of fraud was carried almost to a fault on the Bench. During the period of disturb-

ance in 1881–83 he was the right arm of the Executive Government. His successor, Mr. Porter, was appointed to the Rolls many years after I had retired from practice; but he was a most persuasive advocate when I was at the Bar, and he has made a judge of the highest order. The Vice-Chancellorship of Ireland is an office of recent origin; it has been worthily filled by Mr. Hedges Eyre Chatterton, an eminent Common Law and Equity lawyer.

Lefroy was Chief-Justice of Ireland during my first twelve years at the Bar. This great lawyer and judge had sate at the feet of Lord Kenyon in the King's Bench at Westminster, was impregnated with the traditions of Mansfield, and was in all respects a consummate master of his art. His experience had chiefly lain in Equity, but he was a Common Law lawyer of peculiar excellence, and his knowledge of the law of real property was extensive and profound. I have never seen a judge who could apply legal principles to the facts in dispute with equal force and ease; he was a jurist in the true sense of the word, and his ripe mind yielded treasures of well-stored learning. His dignity, too, on the bench was perfect: he had wonderful ascendency over juries; he led them through the mazes of the most intricate cause with a facility and readiness that charmed the observer. He was the greatest Chief-Justice I have ever heard, far superior to Lords Campbell and Coleridge; and though he remained on the bench in extreme old age, his decisions were seldom reversed

or questioned. I believe, indeed, he was the only Irish judge whose views were confirmed in all points by the House of Lords in a celebrated cause relating to fishing rights on the Shannon, and at this time he was approaching his ninetieth year. Lefroy has had no successors that can be compared with him, though Chief-Justice Whiteside was a man of genius, Chief-Justice May a very well-read lawyer, and Sir Peter O'Brien, the present Chief, a fearless, capable, and independent magistrate. I may perhaps mention that Sir Peter O'Brien was a pupil of mine many years ago; our parts have been long ago reversed; instead of learning from me, I have to learn from him in appeals from the court where I now preside; but he has been kind enough more than once to say that, when a law student, he found my lectures useful.

Chief-Justice Monahan was head of the Common Pleas—a court since transformed—during my time at the Bar. This remarkable man was one of the distinguished Catholics to whom Emancipation opened a career. He was a brilliant undergraduate at Trinity College, quickly rose to eminence in the Court of Chancery under the eye of that great master, Sugden, was leader of the Connaught Circuit for years, was Attorney-General during the rising of 1848, and in that capacity was frightfully abused by patriots brought to justice. It might be said of him, as Pope said of Gay, "In wit a man, simplicity a child;" his mind was powerful and intensely logical, his knowledge of law comprehensive and exact, and his nature, if per-

haps too unsuspecting, was gracious, lofty, and essentially noble. He was occasionally too impulsive in his views, and he did not always control the Bar or juries; but he was one of the most eminent judges of his time, especially skilled in real property law, in special pleading, and in the law of evidence. He was followed in his office by Michael Morris, some time Chief-Justice of the Irish Queen's Bench, and now one of the Lords of Appeal in Parliament; and the two men were remarkable contrasts. Lord Morris is not a very deep lawyer, has little knowledge of black-letter, and seldom appeared in the courts of Equity. But he possesses in the very highest degree mother-wit, adroitness, craft, and penetration; no man of his day probably has been more quick in scenting out fraud, however well hidden, and he was admirable in his grasp of difficult facts. I have no means of knowing how this very able man has acquitted himself in the House of Lords.

I have already referred to Chief Baron Pigot; he presided at the Exchequer from 1846 to 1873. He was another Catholic whose talents had been given free scope. He began life as a physician, I have heard, but he went to the Bar and soon made his mark. I believe he was one of O'Connell's favourites, and perhaps, like Sir Michael O'Loghlen and other Catholic lawyers, owed something to the great Tribune's patronage. Pigot was one of the most scrupulous and conscientious of men; this merit, indeed, became a failing with him, for he devoted

too much time to minute details; but he was extremely learned, had a most pleasing voice and manner, and was highly esteemed by the Bar and the public. His judgments in Banco were very able, and show traces of elaborate thought and care; they are still authorities of the first order. The successor of Pigot was Christopher Palles, for more than two decades also on the Bench, and, on the whole, probably the greatest lawyer that Ireland has produced in the last twenty years. Chief Baron Palles is supreme in every department of law, constitutional, real property, Common Law, and Equity, and in his case a splendid career at the Bar has been crowned by a career of real grandeur on the Bench. It is not only that his learning is vast, that his intellect is alike strong and ready, that he has a command of apt and logical language, and that his judgments are admirable for their breadth and wisdom. He has the gift of firmness of purpose, and of the sense of right in a degree possessed by very few men; his thorough impartiality, his perfect integrity in the administration of justice, are above praise; and he has been almost the only Irish judge against whom malice itself has not suggested a charge during the troubled agitation of late years.

The Judicature and other Acts have made great changes in the superior courts of Ireland in my day. The Court of Exchequer Chamber has disappeared; the High Court of Appeal, the Land Judge's Court, and other courts more or less important, have been

created. The High Court of Appeal is usually composed of chiefs with judges specially belonging to it; these last, without exception, have ranked very high. Lord-Justice Fitzgibbon and Lord-Justice Barry, the present holders of this office, are bright ornaments of the Bench. I may briefly refer to other judges, not in the chief places, during the last forty years. Of the older generation, Perrin deserves notice; he had the independence and austerity of his Huguenot fathers; indeed, men of Huguenot blood have shone at the Bar in England and Ireland in not a few instances. Richard Moore, too, was a very able man; he led the Chancery Bar in the great time of Sugden; he was a singularly clear-headed and efficient judge. James O'Brien, some time Serjeant, was a very constitutional judge; he was most fair-minded in criminal trials; a more honourable magistrate never existed. Of the younger generation of judges, I may mention Lawson, a hard-headed and sound lawyer; Murphy and William O'Brien, learned in criminal law; Dowse, perhaps the wittiest man of his day (it is still not forgotten how he extinguished Bernal Osborne and Coleridge in the House of Commons); Warren, Monroe, Holmes, and half-a-dozen more distinguished in their respective courts; and Madden, the latest addition to the Irish Bench, who bids fair to be one of its greatest ornaments. The last, but certainly one of the most eminent on this list, was John D. Fitzgerald, whose career at the Bar and on the Bench was most brilliant. He was one of the most skilful and wary of advocates;

as a judge of the Queen's Bench he stood in the foremost rank, and was, I think, the first Irishman who was made a Lord of Appeal. In the House of Lords he spoke well and was much respected.

When I was called, the leader of the Bar at Common Law and in Equity was Abraham Brewster, and he held this position for many years. This singularly able man was not a very great lawyer or in any sense an eloquent advocate; his manner was somewhat coarse and his bearing rather arrogant. But he was a cross-examiner of remarkable power; he could present the salient facts of a cause to a judge and jury with the greatest skill; he concealed suppleness and craft beneath a rude exterior; he was a remarkable example how well it may be at the Bar to be *par negotiis neque supra.* In Equity, however, he was far surpassed by two men, who, in different styles, were masters of their art and consummate advocates. Jonathan Christian had superiors in the knowledge of law; he did not possess the serene judicial spirit, as was shown when he ascended the Bench; his mind was somewhat too quick and logical. But I have heard the great English Equity leaders, and Christian, I do not hesitate to say, surpassed Bethell, Roundell Palmer, and Cairns in the gift of placing a cause, however intricate, with perfect clearness before a judge, and supporting it by brilliant and cogent argument. Had he been in the House of Commons during the critical time of the great American Civil War, he would have towered, I

believe, over all his fellows in dealing with questions of international law, and the complex and difficult details involved in them. The second leader I refer to was Francis Fitzgerald, a pure-souled and high-minded man, and an Equity advocate, too, of supreme merit. He was a more profound and learned lawyer than Christian; his general reading was more extensive; he had a more amiable and attractive nature. He could reason, too, with admirable force and power, and his earnestness made him often truly eloquent; but he did not possess Christian's unrivalled art or his skill and dash in attack and defence, and he never would stoop to Christian's sophistry. As a judge, he was hardly equal to what he had been at the Bar; he had too much simplicity for common jurors, but his learning and independence were justly admired. He is still alive, the last honoured survivor of a generation of great legal worthies.

Brewster, I have said, was the leader of the Common Law Bar, but he had several equals, perhaps superiors. Martley was remarkable for tact, sound sense, and good taste; he was often chosen to settle cases out of court. Nature fashioned Whiteside, perhaps, to be a comic actor; no one could better laugh a cause out of court or hold up a bad witness to ridicule, but he had sufficient professional knowledge, and occasionally he could be really eloquent. Fitzgibbon was a remarkable contrast to him; painstaking, earnest, able, and learned, he was superior to Whiteside in the ordinary run of cases, and he

had for years a very large practice. He had a strong rival in Macdonagh, a man of singularly flexible and adroit parts, but not deeply read in any department of law, and though excellent in the conduct of causes, somewhat shallow and insincere as an advocate. Butt was a lawyer of a much higher order, conspicuous for ability, well read, profound, and admirable in his grasp of details, but his erratic career kept him away from the Bar; he only appeared at the Four Courts from time to time, and his heart was always devoted to politics. Serjeant Armstrong was a very capable leader, cross-examined skilfully, spoke well to juries, and on all occasions was equal to his task; he may be described as a rather inferior Brewster. I have referred to Ball, Sullivan, and John D. Fitzgerald as judges, but they were all in the front rank as advocates, and I am compelled to pass over other distinguished names. Besides these leading luminaries of the Bar, there were numerous juniors whom I saw rise to eminence. Serjeant Jellett, who ought to have been a judge long ago; Serjeant Campion, who rose slowly, but is a great lawyer; Mr. Finch White, courteous, able, and deeply read, have long been chiefs of the Equity Bar, and at Common Law the Macdermott, now Attorney-General; Mr. John Atkinson who lately held that office; Mr. M'Laughlin, and other distinguished men, are heads for some time of this department of the Bar. A whole host of men have made a conspicuous mark in the Four Courts since I retired from practice.

The usages of the Bar of Ireland bring the members closely together. There is more brotherhood between them than is the case in England, and I was on terms of more or less intimacy with many of the distinguished men I have named. The incomes made at the Irish Bar are very much less than at the English; from £3000 to £5000 a year are the highest sums, I should say, in private practice; and when I was called, there was an idea abroad that, as the means of locomotion had become so easy, a natural social law would operate, and a stream of Irish lawyers would flow to Westminster Hall, and leave the Four Courts almost high and dry. This apprehension has not been realised. "Lawyers do not dream only of fees," as Shakespeare, who disliked the order, says; the love of country and home has as yet prevailed over that of trying fortune in another land. The Bar of Ireland has still an ample supply of members. A more formidable danger may perhaps exist in the great extension of the jurisdiction of the County Courts, which have engrossed the administration of the law in Ireland of late years to an enormous extent. These tribunals attract many young counsel, and form excellent training-grounds for them, but they are not adapted to make the legal calling or legal acquirements of the best quality. They have largely encroached on the domain of the superior courts; the consequences may be in time unfortunate. All experience shows that local tribunals can never evolve a system of law as uniform and complete as central, and can never produce such illustrious

judges; and a local Bar, in all parts of a country, cannot be as independent, as learned, or as able as a great corporate Bar in a capital city. It would be much to be regretted if an institution which commands universal esteem in Ireland were to be degraded or injured in any way. I, at least, in this matter feel as a veteran feels towards the army in which he has long served.

CHAPTER VII

EXPERIENCES AT THE BAR

I WENT the Irish Home Circuit soon after my call to the Bar. This Circuit, established by Lord Clare in the closing years of the last century, comprised the six counties adjoining Dublin, and met at Trim, Mullingar, Tullamore, Maryborough, Carlow, and alternately at Athy and Naas. When I first joined, one aged senior, I think, had been a companion of a few original members, and the traditions of the society recorded in a book—they related, among other things, to two or three duels—were living, fresh, and not without interest. The Home Bar had always distinguished names, for the proximity of the assize towns to the capital attracted to it rising men in practice, and the chief judges always preferred this Circuit, I will not say from a love of inglorious ease. I had attended the Assizes, I have remarked, from my teens, and had beheld several of the leaders of the Bench presiding in court before I had become a lawyer. Bushe had dwindled into the lean and slippered pantaloon; his voice was weak and his temper peevish, but now and then gleams appeared of the persuasive speech which had charmed the assembly of Curran and Grattan. Chief-Justice Doherty was a magis-

trate of commanding presence, especially able in a criminal trial, and Chief-Justice Blackburne was admirable in every kind of cause—learned, impressive, and masterly in disentangling facts, and placing them clearly before a jury. I may mention one anecdote of the Bench in those days. A judge on Circuit directly represents the Crown, and has precedence over all other subjects; and I can recollect how a judge made his host, a peer, recall peers sent in to dinner before him, and give him the place which was his undoubted right.

The chief judges of my time went the Home Circuit also; they were Lefroy, Monahan, and Pigot during many of those years. I have referred to the attainments of these eminent men, but I may briefly describe them in the social hour. The Irish judges, I believe, on every Circuit, invite members of the Bar to dinner; this was the custom, at least, on the Home Circuit, and it is a laudable and good custom, as it brings the Bench and the Bar together in friendly intercourse. Lefroy must have been nearly eighty when I was called, but age had not yet dimmed his intellect, and his conversation had a peculiar charm and interest. He remembered lawyers who had seen Swift and Berkeley, and had many traditions of these illustrious men; he witnessed some of the horrors of 1798; he had often listened to debates in the Irish Parliament; he had innumerable anecdotes about the leading men in the Four Courts for upwards of fifty years; and the treasures of these experiences were indeed pure

gold. Lefroy, too, liked to talk to young men whom he thought promising about their calling; he used often to remark that in his youth it was possible to master the whole of English law, and that it really was a science in those days; he deplored how it had become a huge formless mass, and he continually observed that, above all things, it was essential to understand its history and to endeavour to ascertain its principles, buried as these were under heaps of rubbish. The Chief-Justice, I may add, was no mean scholar; he had distinguished himself at Trinity College, and he still loved ethical and metaphysical studies. He was thoroughly versed in Butler's "Analogy," and I perfectly recollect how he was good enough to say that I had reached the core of that great work when I observed to him that it was a grand development of the profound and beautiful lines of Milton—

> "Earth is the shadow of Heaven, and things therein,
> Each to the other like, more than on earth is thought."

Chief-Justice Monahan was a contrast to his aged colleague. Lefroy was old-fashioned, grave, but most courteous; Monahan was talkative, rollicking, rather "hail fellow well met," but the most good-hearted and simple of men. Impulsive, and perhaps rather thoughtless, he seasoned his conversation with oaths, like Wellington. I heard him tell a nobleman much too fond of the bottle, "Damn you, I am as sober as a judge and you are as drunk as a lord;" and he

remarked on an essay of my own on the affairs of Ireland, "It is stuffed full of political economy, my dear fellow, and political economy is all damned nonsense." I could repeat instances like these by the score, and the Chief-Justice by no means abstained from expletives of the kind on the Bench. "Be off, you damned women," he once blurted out when he had ordered witnesses out of court in a very nasty trial. He liked to tell anecdotes which made against himself, and he did this with a naive earnestness which provoked a smile, and yet was truly pleasing. He told one of these stories over and over again as a specimen of what he called the "damned airs" of the English Bar. Monahan was counsel in a great Irish cause to be heard on appeal by the House of Lords, and he went, on one occasion, to Bethell's chambers to hold a consultation with that renowned leader, who had the late Sir George Turner as his second in command. He found Bethell lying on a sofa stretching out his legs with supercilious ease, and after discussing a bottle of champagne the legal chiefs began the plan of their battle. A junior in attendance was armed with precedents. Bethell drawled out with a lisp, "Hang cases," but Monahan, who had brought books likewise, insisted on referring to authorities in point. Bethell placidly listened for some ten minutes, and then, turning to his English colleague, simpered out, "Turner, that voluble Irish savage really knows a little law." Monahan stormed out of the room in a passion, yet closed the tale

by adding that "Bethell carried the cause with ease."

Though a learned and highly cultivated man, Chief Baron Pigot was rather formal in manner; his conversation was not remarkable. He had been a judge, however, on the Munster Circuit, and he used to dwell a good deal on O'Connell, the leader of that Bar for many years, and of the triumphs of the old Catholic League, of which he had been, I believe, a member. Puisne judges occasionally went the Home Circuit; two of these were company of the very best kind, though men of entirely different natures. I have alluded before to Francis Fitzgerald. This great lawyer and great Equity advocate was also a brilliant and profound scholar; his conversation was rich in thought and overflowed with interest. A remark he once dropped has often struck me since. We were talking of Addison, Pope, and Junius, when Fitzgerald observed, "They were, in the main, students; they wrote, for the most part, for the few. Swift alone reached the public of his day; he is the original of the modern leader-writer, except that no leader-writer has ever approached him." The other judge I refer to was William Keogh, iniquitously denounced by later Irish patriots for having fearlessly performed an odious duty in condemning priestly influence at a well-known trial. Keogh was not a learned lawyer, and was little known at the Bar, but he had distinguished himself in the House of Commons, where Lord Palmerston had more than once praised him; and I well recollect a speech

of his made in a celebrated case, in which my kinsman Lord Clanricarde was most unrighteously accused, as a specimen of rude but very telling eloquence. The conversation of Keogh ran on men and things of the day; he told a story admirably, and had real humour; he shone in the society of men of the world. He had also a genuine taste for letters, and knowing that I had a taste in that direction, he always treated me with much kindness. His brother, whose acquaintance I have since made, is one of the most efficient of the Irish paid magistrates.

Macdonagh led the Home Circuit when I became a member. This Nisi Prius artist was not liked by the Bar; he was not hearty or sincere in anything; a kind of pinchbeck exquisite, he provoked disgust by his assumption of finicking airs and graces. The other leaders were Berwick, a sound lawyer and a gentleman in every sense of the word, who perished in the Abergele accident; George Battersby, afterwards an Ecclesiastical judge; Hayes, a hard-headed and industrious son of the North, who rose to a seat in the Queen's Bench; and Hamilton Smythe, a judicious and painstaking counsel, who, I have said, taught me the legal rudiments. By degrees, however, these chiefs were eclipsed by three men who became ornaments of the Bar and the Bench of the highest order. Ball was rapidly coming into the foremost rank; he had already made his mark as an advocate; indeed, only a few months after I had joined the Circuit, he had a compliment paid him hardly ever bestowed.

In a trial for libel of a sensational kind, he made a speech of such telling force that Lefroy, who had resolved to defeat him, adjourned the hearing to the following day, having assured the jury that he "could not allow their heads to be turned by persuasive words;" and yet the Chief-Justice, though he did his best, failed to remove the impression Ball had made. Palles, too, soon made his great powers felt. I well recollect the first marked occasion. He pressed what is called a non-suit point of a technical kind in a cause in ejectment. Macdonagh, whose knowledge of law was imperfect, kept on pooh-poohing "his learned young friend;" but Lefroy quietly observed, "Mr. Macdonagh, take care." He soon put an end to the leader's flourishes, extinguishing him with a sarcastic remark; and he said to me that day at dinner, "Horace for once is wrong, 'proximos illi *non* occupavit Palles honores.'" Walker rose more slowly than Palles or Ball, but he was recognised by degrees as a very capable lawyer and a most skilful and successful advocate. As I have said, he now fills the highest place in Equity. I could mention many other members of the Home Bar: Edward Levinge, afterwards a judge in India; Byrne, now an efficient police magistrate, and a whole crowd of less distinguished names. But my associates of those days are nearly all gone; they have passed into the night of oblivion; the Circuit itself has been broken up and distributed among larger circuits. Unlike Moore's guest, I cannot tread that deserted

banquet-hall, though most of the other guests have departed.

The business of the Home Circuit was of the ordinary class at assizes throughout the province of Leinster. The county Westmeath, no one can tell why, had always been more or less disturbed; it had long been a centre of Ribbon Lodges and of the secret societies which attest the Irish peasant's aversion to the law; and I was present at some curious trials concerning agrarian crime. Ireland, however, was making material progress; the agricultural prosperity of the time in England was even more conspicuous in the sister island; the land, cleared by the famine of redundant millions, was seldom a scene of deep-seated trouble; there was little agrarian disorder in most parts of the Circuit. The Curragh Camp in Kildare yielded an ample crop of offences, due in the main to drunkenness, but these were in no sense remarkable. The Bar thought only on the mass of fees they sent into a few lucky pockets. As for civil causes, they were, for the most part, conversant with litigation in landed relations, but as a general rule they were of no importance. I can positively assert that there were very few instances of the "landlord oppression" which has been the subject of the lying invectives of noisy demagogues for purposes almost always selfish; but the system of tenure was essentially bad, as I shall point out at some length afterwards, and acts of this kind caused ill-will and alarm, extending over the adjoining neighbourhood. Conduct like this, how-

ever, was generally condemned, and both Lefroy and Monahan won golden opinions for administering the law with conscientious equity whenever it bore against the peasant harshly. For the rest, on the Home Circuit, as throughout the South of Ireland, there were not many mercantile causes, but libels and slanders rather abounded, and there was much litigation about disputed deeds and wills.

I have no notes of these local causes, but I may refer to three as caricatures of law. Some thirty years ago a well-known nobleman, who had feudal ideas of his territorial powers, made a letting of a kind of undefined right to quarry stones in any part of a hill near Dublin. The document fortunately was not under seal, and could not have the effect of a grant; but the holder of the license quarried stones in masses and forgot to pay the royalty he had agreed to do. The peer assembled the *posse-comitatus* of his domain and removed the defaulter's plant and machinery, and, as a matter of course, an action was brought, damages being laid at £2000. I had a brief in the cause, and was anxious about it, for I felt my client was in a vexatious mess; but on consultation with Macdonagh, I pointed out that the license was revocable, as it was not sealed, and that as the record stood the plaintiff might fail. The trial came on before Chief-Justice Monahan. Macdonagh could not argue what he did not understand, so the Chief said, "Let me hear your junior; he knows more real property law than you." I pressed my view, and we obtained a non-suit. I

argued the case before the Common Pleas; the court decided that Monahan was right, and the noble defendant escaped scatheless. Beeswax ruined Jack Cade, according to Shakespeare; the absence of it in this instance was the means of safety.

In another case, a baronet, who also entertained strong notions of the divine right of landlords, came to me one morning to say he would not pay for the trespass done by deer which had broken out from his park into a turnip-field of a neighbouring farmer. His point was that deer were *ferœ naturæ*, and that he could not be responsible for them; whereupon I told him he had better pay for the wrong done by animals bred by himself, and as domesticated as his barn-door poultry. As I declined to take a cause of the kind, he went off to another lawyer; but two or three days before the trial the wrong-headed suitor was fool enough to send a haunch of one of these *ferœ naturæ*, shot by his keeper and prepared by his cook, to the judge who was to hear the case. The judge, conscientious almost to a fault, sent the *bonne bouche* back with an indignant message; and the jury, I need not say, made short work of the plea of *ferœ naturæ*, and gave large damages. The story was afterwards discussed on circuit; the comments of Monahan were characteristic. "My dear fellow," the Chief-Justice said, "you should have taken the damned scoundrel's haunch, eaten it, and sent him to jail for contempt of court."

The third case was even more absurd. Under a

statute enacted many years ago, owners of carts and waggons were required to put their names to them, and Sir Benjamin, then the head of the great firm of Guinness, inscribed his name on well-made brass plates. A local justice, however, took it into his stupid head that the description should have been made in paint, and actually inflicted at Petty Sessions a fine of £1. Sir Benjamin brought this Shallow before the Queen's Bench, and I was given a brief to sustain the conviction. Chief-Justice Lefroy was very angry, mulcted the offending magistrate in heavy costs, and drily said to me, "You may have a taste for war, but you need not come here on a forlorn hope."

In the intervals between Circuit I looked out for practice after the customary method of the Irish Bar. I attended the Four Courts and the Bar Library. There are objections undoubtedly to this usage; it tends, perhaps, to idleness and a taste for gossip; young lawyers often waste time in the courts, and the library is a great professional club. Yet the advantages are large for those who choose to work and to devote themselves to the study of law; legal minds are formed in a legal atmosphere; senior men readily assist juniors; above all, the Bar assemble in constant and friendly fellowship. I have already observed that this is a feature of the Irish Bar more distinctly marked than is the case in England, where counsel are scattered through many courts, and in numerous instances never leave their chambers, and I trust it

will continue prominent. Owing to the concentration within a small space of the whole practising Bar of Ireland, a high professional tone is kept up, and professional scandals are well-nigh unknown; the Bar is under the eye of judges who know the members and understand their qualities, and a strong *esprit de corps* exists from every point of view, of no little value. The Irish Bar is really, in a sense, a band of brothers; envy, malice, and uncharitableness do not prevail in it, as they do in many another calling; and I can say for myself, that while in practice I never had a quarrel, and made many friends.

The nature of the business at the Irish Bar is very different from what it is in England. There is little of the litigation which naturally belongs to the greatest centre of trade in the world, and to an empire which embraces many races and tongues. There are not many cases of mercantile fraud, especially on a gigantic scale, so frequent of late in the English courts; few questions of domicile, status, and the like arise; suits connected with international and treaty rights, with the government of the Church, with foreign contracts, are very seldom heard in the Four Courts. The litigation is provincial, not imperial; it savours, too, of a period more backward in civilisation than is the case in England; it is like that which we see in the reports of Atkyns and of other reporters of the first Georges, the litigation of a community not yet developed, and still, for the most part, connected with the soil. The causes, however, were

often of great interest; three or four, in my time, were most striking instances of the pernicious effects of sacerdotal influence, so hostile to English law and liberty; there were numberless curious actions of libel, for setting aside documents obtained unduly or in relations of a fiduciary kind, and there were a few cases which clearly brought out defects in the law of landlord and tenant. Out of the enormous and almost forgotten mass, I shall briefly refer to two cases, the interest of which is in some measure permanent.

The first of these was repeatedly heard in different courts of the three kingdoms; it disturbed the peace of a good many families. It originally came before the Common Pleas in Ireland in the form of a simple money demand, but it raised the question whether a Miss Longworth and a Major Yelverton were husband and wife. The evidence occupied eight or ten days, but I must dismiss it in a few sentences. Miss Longworth, an attractive and very clever woman, made the acquaintance of Yelverton on board a steamer. This ripened gradually into a courtship, whether sinless or not is of little moment. The pair were at Leith, in Scotland, in the spring of 1857; they took a Bible in their hands and said they were married, but there was no writing, and not a soul was present. It is uncertain whether, after this clandestine act, they lived together as man and wife, but the names of Mr. and Mrs. Yelverton appeared in a Scotch hotel book some time afterwards, and this was

an important fact in a case of the kind. The pair subsequently went to Ireland, and a proceeding took place in that country which, but for the peculiarities of Irish law, would certainly have created a valid marriage. A Catholic clergyman joined their hands as man and wife in a Catholic place of worship, but apparently not "in the face of the Church," in the expressive language of the Canon Law, and on this occasion Yelverton, no doubt a Protestant, told the priest who officiated that he was a Catholic, Miss Longworth being of that communion. A ceremony of marriage had thus occurred, but an old Irish statute stood in the way. It annulled marriages solemnised in any part of Ireland by Catholic priests between Protestants or between a Catholic and a Protestant person, and this obviously was a most grave impediment. The usual result of a connection of the kind, equivocal, secret, perhaps not meant to be permanently binding on either side, unhappily followed in a short time. Yelverton heartlessly cast Miss Longworth off, and soon afterwards married another woman.

Chief-Justice Monahan summed up the evidence with characteristic acuteness and skill, but I cannot say that he had not felt the influence of the blandishments of a dexterous siren, who had persistently made *beaux yeux* at him. He ably dissected the testimony of the Scotch lawyers who had deposed to the law of marriage in Scotland, and left the issue properly to the jury, but he insisted that Yelverton, even in a question of the kind, was bound by his statement

that he was a Catholic, and could not be allowed to dispute the marriage in Ireland, and in this view he was doubtless mistaken. The jury found for Miss Longworth, amidst a scene of passionate excitement and wild cheering, for the feelings of the audience and the religious sympathies of the many Catholics present had been aroused. It is much to the credit of Ball, who was one of Yelverton's counsel, that he had predicted to me before the trial that this would be the inevitable result. The court, however, set aside the Chief's ruling, so far as regarded the Irish marriage, and made an order for a new trial; Christian, then on the Bench, glancing not obliquely at susceptibilities in a court of justice, and remarking that "if not a *femme galante*, Miss Longworth was not a *femme incomprise*." That lady, meanwhile, had become a party to a suit in Scotland, set on foot to decide whether the alleged Scotch marriage was valid or not, and a majority of the judges in the Court of Session, after an exposition of their national law of marriage and of its irregularities, obscurities, and dangerous pitfalls which terrified those who happened to read it, pronounced that the Bible scene and the other facts proved were sufficient to constitute a good Scotch marriage. The cause ultimately went to the House of Lords. It was nearly the last appearance of Brougham as a judge. The speech of Pemberton Leigh was a masterpiece, and the decision of the Scottish court was reversed, but, as I recollect, by a single vote only. The general result was that, after a legal con-

test for years, and an expenditure of many thousands of pounds—not a few Catholics supported her case—Miss Longworth was declared an unmarried woman, her life blighted, and her reputation gone, and Yelverton was set free, but with a stain on his name, from a tie involving the dearest rights of another, which he had made himself, incautiously no doubt, but in order to gratify a selfish passion.

The Yelverton case clearly brought out the iniquity of the marriage law of Ireland, and the peril and unwisdom of the Scotch law of marriage. The Irish law has been reformed long ago in the particular which the trial exposed, and, subject to certain restrictions, a Catholic-priest can celebrate marriages between all persons, whatever may be their religious faith. I perhaps contributed a mite to this change, for I was selected by the Marriage Law Commission to draw up an abstract of the marriage law of Ireland, and Lord Selborne, the president, I heard, approved of my work. The Scotch law, however, has been scarcely altered, and to this day irregular Scotch marriages, with the resulting mischiefs and dangers, may be contracted. It is unnecessary to point out the grave evils of giving legal sanction to unions of this kind; they encourage deception, fraud, and misconduct; they have wrecked the fortunes of many a family; they completely ignore the rights which the State and the community have in a great social relation. It is idle to argue that this law is only the ancient marriage law of Europe; it has been abolished in all countries except

Scotland, and it is simply monstrous that it should be allowed to continue. I may perhaps be permitted to refer here to some remarks I made on the subject at the Social Science Congress of 1861, the year the Yelverton case was tried in Dublin :—"If any one cares to observe the mischief which this law has caused, not only to Scotch subjects, but also to English and Irish families, he has only to read the Dalrymple and Wakefield cases, the Mountgarret Peerage case in this country, and, lastly, that extraordinary cause which of late set half Ireland in commotion. An eloquent invective against it is to be found in the case of Honeyman and Campbell, and, in truth, I should say it is needless to censure a rule which permits clandestine unions to be carried out at a moment's notice, without a single record to attest them, and which sanctions their proof by a kind of evidence most liable to falsehood, fraud, and uncertainty."

The second cause was of an earlier date, and was very remarkable, if not as famous. Mr. Colclough, a gentleman of large estate, and of ancient descent, in the county of Wexford, was one of the travellers detained in France after the unfortunate rupture of the Peace of Amiens. He was not set free until the fall of Napoleon. He returned to Ireland to find himself in a society which he had almost forgotten, and being by this time advanced in years, he thought he would do well to marry. His attorney recommended his daughter to him, a woman much his junior and with a strong will, and the pair, though living

for the most part in seclusion, took their natural position in the best society. No children were born, and after a long married life Mr. Colclough, being then absolute owner, bequeathed his ample estates to his wife, disregarding all kinsfolk of his blood. Mrs. Colclough afterwards married one of my father's cousins, Mr. Boyse of Bannow, a good specimen of the accomplished Irish gentlemen of his day, but, after living together a few weeks, they separated, as they could not agree, and this told against the lady in subsequent events, for Mr. Boyse was well known and greatly esteemed.

Mrs. Boyse, meanwhile, remained the mistress of the fine Colclough estates for a series of years. A mere accident, however, caused her title to be challenged, ultimately with complete success. Whiteside being in Italy to recruit his health, happened to meet a Mr. Rossborough, a post-office clerk, who told him, in conversation, that Mr. Colclough's will had been obtained by his wife by undue means, and that he, Rossborough, the true heir, had been deprived of his heritage by wrong. Whiteside put him into a solicitor's hands, and, in the proceedings that followed, I have understood, accepted only nominal fees, an instance of generosity perhaps not common. The cause was first heard before a Wexford jury, who, as well as I recollect, did not find a verdict, and it then went on appeal to the House of Lords in order to prevent a new trial, and practically to confirm Mrs. Boyse's title. The Lord Chancellor,

Lord Cranworth, expressed a strong opinion that there was no proof of undue influence, but the cause was remitted to Lord Chancellor Brady in Ireland to deal as he pleased with the matter. Brady, acute and sagacious, sent the case to be tried by a jury in Wexford for the second time, disregarding what Lord Cranworth had said, and the emphatic protest of a most distinguished Bar, and the result proved that he was altogether in the right. At the second hearing it was conclusively proved that Mrs. Colclough had carried out a course of intimidation towards her aged husband—the reader of Thackeray will recollect Becky Sharp and Jos—and that the will had been unfairly obtained; she accepted as a compromise, I think, £20,000, and surrendered estates worth £10,000 a year. The jurors, no doubt, inclined against her on account of her relations with Mr. Boyse, but justice was unquestionably done.

This case illustrates the great value of trial by an intelligent jury on the spot. Lord Cranworth was mistaken in his view, and Brady adopted the right course in sending the cause to "twelve men of the vicinage"—the nomenclature of the old Common Law—certain to have considerable knowledge of the facts. A jury, if impartial, is the best instrument to ascertain the truth and to do justice in a family case of this kind; it applies mother-wit and common-sense to the evidence much better than any judge can do. No doubt, this mode of trial has been most successful in England, where it was first established; it has

been injured in France by false sentiment, and in Scotland by obstinacy in the box; it is not safe in Ireland on any question that involves politics or religious disputes. But in all other cases a good Irish jury is admirable in forming sound conclusions; it is as equitable a tribunal as can be devised.

About eight years after my call to the Bar, I was elected one of the Professors at the King's Inns, who lecture law-students in part of the Common and the Criminal Law. These offices had been founded by the Irish Benchers before the English had appointed their readers; it is creditable to the governing body of the Bar of Ireland that in this important matter it set an example. I had, when a law-student, attended the lectures of the King's Inns Professors of that day, Mr. Otway, afterwards a County Court Judge, a well-read and experienced lawyer, and of Mr. Hayes, referred to before; I may add I derived great advantage from them. The appointment is held for three years. During my term of office I had an average of some twenty pupils, one of these, I have said, being Sir Peter O'Brien, the present Chief-Justice of the Queen's Bench in Ireland. Other members of my class have risen at the Bar. I may especially mention Mr. Romney Kane, an able and painstaking County Court Judge. I always considered him a young man of parts. The lectures were followed by examinations preliminary to admission to the Bar; and there can be no doubt that in Ireland, as well as in England, this system has raised the

standard of legal attainments. It is not for me to say how I discharged my duties; I will simply remark that more than one of my pupils expressed a wish that I should publish my lectures. I did print my inaugural lecture—a sketch of the history of the law of personal property—the others, I think, may rest in oblivion.

In 1863 I was appointed the legal member of a Commission charged to investigate the rights of owners of fixed nets for salmon in Ireland, and incidentally the rights of the public, and to abolish nets that should be declared illegal. I look back at my conduct in this passage of my life with mingled feelings of regret and pleasure, but it certainly was very advantageous to me. The inquiry was one of grave importance, raising legal questions of extreme nicety and involving property of immense value; for fixed salmon nets had been set up to a large extent under sundry Acts of Parliament, and it opened, besides, the difficult subject of navigation in tidal and fluvial waters. The Act, too, under which the Commission acted was harsh and despotic in its tendencies; the inquiry in its nature was much too summary, and, to a great extent, made appeals worthless; and my colleagues were without legal training, and thought they had a mission to destroy every fixed net in Ireland. The proceedings, in short, from beginning to end, savoured of confiscation and dangerous haste, and the only member of the Commission who could be supposed to understand the difficulties of the legal problems at issue would be as one to three should his colleagues

dissent. I was associated with this tribunal for about six months, and examined into the rights connected with fixed nets in the Barrow, the Nore, the Suir, and the Shannon, the chief salmon rivers of the south of Ireland, and though I acted all through, I will say, with good faith, I was responsible in some measure for wrong done in not a few instances. The law, I have said, was intricate and obscure. I attached too much weight to judicial dicta found in text-books on the subject of little value, and at first I gave and sanctioned decisions which further reflection convinced me were wrong, and which annihilated legitimate rights of property. My position was rendered painful and false, but I had felt the force of the learned arguments of the eminent counsel who appeared in the court, and made up my mind as to the only true course before me. I openly avowed that I had changed my views on more than one point of serious moment. I refused to approve of the removal of fixed nets not illegal according to my better judgment, and I remonstrated over and over again with my colleagues. This caused bickering and irritation, on which I need not dwell, but at last, when I perceived that a deaf ear was turned to all I could urge on the subject, and that acts of injustice were systematically done, I wrote an official letter, perhaps in too angry terms. The letter was placed before the Chief Secretary of the day without giving me a word of notice, and the Minister instantly ordered me to resign in language of the most extraordinary kind.

An act like this, done to a person holding a judicial office of great authority, was a proceeding that does not require comment; it was characteristic of a politician who has since added no honour to an illustrious name. But I had my revenge, and something more, in events that followed my removal from my post. The decisions of the Commission had been so one-sided that the Court of Queen's Bench was flooded with appeals; the judges, to whom I had been well known for years, and who probably had heard how I had been treated, were ready, I dare say, to think all was not right; and restricted as the nature of the appeal was—in nine cases out of ten it was of no value—they endeavoured, where they could, to redress the wrong that had been done. In every instance, I believe, in which I had differed from my late colleagues on a question of law—the only question the Court of Appeal could deal with, for it could not really deal with questions of fact—my ruling was upheld and that of the Commission reversed, and more than one of the judges not obscurely hinted that it was irregular, at least, to disregard the views of a legal expert in a legal matter, and regretted that their powers were so strictly limited. These judgments caused a good deal of noise in Ireland; the subject was discussed in the House of Commons, and I was advised by more than one friend, especially by my cousin Lord Clanricarde, to bring the whole question before Parliament. I felt, however, that I had made mistakes, and had given proof, perhaps, of too hasty

a temper, and I kept silence though I had suffered wrong. Yet I was a real gainer in the long-run; several personages of much weight and influence had witnessed and approved of my conduct in office, and knew I had been unfairly dealt with. I may perhaps mention Sir Stephen De Vere, one of the few survivors of the best Irishmen of another day; and it was largely owing to their powerful support that I was promoted to the position I now occupy. This incident in my life, in itself not important, may yet serve to illustrate the old saying, "Do what is right, and do not fear the result;" and though I repeat I was not wholly free from blame, I feel I took the proper course in a difficult case. The conduct of the Chief Secretary confirmed the view as to the evils of the bureaucratic rule of the Castle, already expressed in these pages, and on which I shall say something hereafter. I admit, however, that, as far as I know, no fellow of his ever committed an act of the kind.

CHAPTER VIII

DUBLIN AND COUNTY SOCIETY. LITERATURE

HAVING been called to the Bar, I gave up the life of a mere hard-working and secluded student, and returned, if I may so say, to society. I became a member of Kildare Street Club, then, and still, the chief meeting-place in the Irish capital of the principal men of the southern provinces. The club rose upon the ruins of Daly's, famous in the days of the assembly in College Green, and during the first part of the nineteenth century, and, with Sackville Street Club—chiefly a resort of Ulster magnates—it has ever since flourished, through many vicissitudes. It was in difficulties during the famine of 1846–47, the members having largely fallen off; it is a tradition that Lord John Russell cynically observed, "The consumption of claret at Kildare Street has, I hear, been so little, that really there must be distress in Ireland." The club buildings were destroyed by fire more than thirty years ago; a Byzantine edifice has risen in their stead, and the society has increased more than a third in numbers, compared to what it was when I first joined it. Like other institutions of the same kind, it has felt the influence of the mingling of ranks and of the lessening of distinctions of class, apparent

in Ireland in this age, though less markedly so than in the world of London. Kildare Street Club is essentially aristocratic still; the higher landed gentry give it its tone; it is strongly Conservative in thought and sentiment. But it has now among its members professional men belonging to the army, the Church, and the law, and even engaged in the pursuits of commerce, who would hardly have been admitted in my early days, and this expansive tendency is on the increase. The change assuredly is for the better; the landlord class in Ireland, as a rule, have kept too much to themselves, standing apart from the rest of the Irish community, like the seigneurs of the old régime in France, and the result has done mischief from every point of view.

I was a member of Kildare Street for about twenty-eight years, and only took off my name from the club when I finally ceased to live in or near Dublin, and when recent agitation was shaking the land in Ireland. The inner life of a club should never be disclosed; such a gossip, in Johnson's words, "would not be a clubbable man," and I shall not violate the unwritten laws of gentlemen. I may say, however, that for a long space of time I enjoyed the privilege of taking part in all that was brilliant, cultivated, and even most learned, in the highest orders of Irish society, and doubtless this was of much value to me. The official rulers of Ireland were sometimes seen at the club, from the Chief Secretary to the Poor Law Commissioner, and if a bureaucracy, they were intelligent

bureaucrats. There were large-acred squires and hunting-men in scores, full of prize cattle-breeding and high turnip-culture, and of the glories of Meath and Kildare. Kilkenny was by this time in decline; they little dreamed, having weathered the storms of 1846–48, that a day was coming when a wild social outbreak would drive many of them from home and land, and when, at the bidding of rustic Jacobins, their hunters would be hamstrung and their hounds poisoned. Some leaders of the Bench and the Bar, too, were members, and it was pleasant after a day's work in the Four Courts to mingle with these in friendly converse, always unrestrained, often witty and charming. I spent many delightful and fruitful hours in the excellent library of the club; I think I may say few men of my day pored so diligently over its stores of knowledge. These memories of happy meetings, of social friendliness, of the rapid change in the circle of talk, from grave to gay, from lively to severe, are not the least kindly of those I recall, and yet they bring feelings of sadness with them. I seldom call at Kildare Street Club now; I am still welcome, I hope, to a few aged friends, but a new generation has thrust out the old, and the place seems to me peopled with phantoms. I look back, like the fabled Orpheus, and only catch at the shadows that have vanished into night.

In these my early years at the Bar, I saw a good deal of the aristocratic life of Dublin and the adjoining counties. Lady Clanricarde had become too stricken

in years to welcome her kindred as of old, but my cousin, Maria Price, had been long married to the head of the great Huguenot house of La Touche. I was often a visitor at their fine place of Harristown; made the acquaintance also of Lord Mayo, the future statesman and Governor-General, of Lord Drogheda, a very pleasant host, and of Henry Carroll of Ballynure, one of the shrewdest and wittiest of the gentlemen of Kildare. My chief place of resort, however, was Howth Castle, the home of the old Norman race of St. Lawrence, where, indeed, I had often been in boyhood; for the first wife of the then Lord Howth —I can well remember her most gracious presence— had been a cousin and intimate friend of my mother, and the hospitable owner treated me as a welcome guest. Howth is one of the very few places in Ireland which really takes you back to the Middle Ages, across a dark period of civil war and anarchy which has left its mark of desolation everywhere. The castle and domain, rising from the village and facing the sea, and a blue range of mountains, forms a gem of landscape, and the scene breathes with antique legends of Sir Armoric de Tristram, the conqueror of the Dane, of Grana-u-Aile, the queenly ruler of the seas, of Norman knights, whose arms still rust in the hall. The St. Lawrences have been on the spot for more than seven hundred years; they escaped the ruin that befell most of the lords of the Pale, perhaps because they dwelt close to the central government, and they have produced a long succession of worthies

—in many instances eminent men of the gown—and not without distinction in Irish annals. The Lord Howth of my time was chiefly known as a sportsman of singular skill and success; but he was not unconscious of his noble descent, and it was a peculiarity of his that he disliked letting his ancestral "Hill" on leases for villas, and tried to keep Howth a secluded spot, free from the contact of the vulgar crowd—a peculiarity through which he perhaps lost a fortune, for Howth might easily have surpassed Kingstown. He was the father of a very attractive family—I may call one of the daughters a valued friend—but many of his children have passed away, and I can only hope that his ancient peerage, one of the oldest on the roll, may not become extinct.

My own profession, however, chiefly supplied the society in which I took part at this time. I found many acquaintances and some real friends among prominent members of the Bar and the Bench; I was often a guest at their hospitable hearths. Chief-Justice Lefroy spent some summers at Old Connaught —the country-house, I have said, of Plunket—and I passed many agreeable hours in his company; in this instance, at least, "crabbed age" and "youth" were perfectly willing to "dwell together." I have spoken already of this eminent man; I shall merely add here that on one occasion he asked me to think of Latin lines for an inscription on a statue of Plunket, designed to stand in the hall of the Four Courts. He kindly approved of two I chose, but the statue, in becoming

taste, I should say, simply bears the illustrious orator's name. I was welcome, too, in other legal houses; and as I had numerous relations of both the faiths of Ireland, the distinction marked by difference of creed, which unhappily divides Irish social life, was hardly, if at all, observed in my case; yet I found myself often to be the only Protestant in an assembly wholly composed of Catholics. I seldom saw a Catholic under a Protestant roof, and the freemasonry which had united the Bar, without regard to religious tenets, was absent, I have said, in the homes of lawyers. This separation, which unfortunately pervades social relations of every kind in Ireland, has been widened and deepened in my time through the influence of the heads of the Catholic Church. When I was young, what are called mixed marriages, that is, between Catholic and Protestant persons, were common, and even promoted at Rome; they are now prohibited, or are only allowed under conditions which make them very infrequent. I once asked a dignitary of the Catholic Church why a policy had been adopted in direct conflict with the spirit and tendencies of the age, and his answer is perhaps worth noting: "We encouraged mixed marriages," he said, "when the Church was weak in Ireland; she is now strong, and we give them no countenance." This line of conduct, I think, has not been wise; the social results certainly have been mischievous.

I have known but few of the Protestant clergy of Dublin, but I had ample opportunities when at the

Bar to observe the Protestantism of the chief towns of Ireland. I have already remarked that, in my father's day, the Irish Established Church was in a pitiable state. In Macaulay's words it reversed the order of Scripture; it filled the rich with good things and sent the hungry empty away; it was lifeless, all but corrupt, and full of abuses. Improvement certainly appeared in the years that followed, but in the country towns and the rural districts the numberless vices were but too manifest of a Church that existed for a mere caste, that was a dependent and creation of the State, and that was completely alienated from the people in its midst. It was still a preserve for the younger sons of the gentry; it looked to the Castle more than to Heaven; its services were Laodicean and tame; it had made no impression on the Catholic masses, to whom it appeared a mere badge of conquest. A legal friend of mine, as we were leaving circuit, once said, "Well, we should get no briefs if our speeches were as bad as the sermons we have heard," and this was true of three-fourths of the country clergy. But the upper classes of Dublin were, for the most part, Protestant, enlightened men and women, drawn together within a small area. The best life of the city was largely Protestant, and the Church, as was to be expected, had both strength and energy, and was not unworthy of its divine mission. The cathedrals of Christ Church and St. Patrick were restored in my time, at enormous cost, by two munificent Dublin citizens, and are truly noble and imposing structures.

Their choirs certainly have few equals, their services are instinct with zeal and devotion. The same may be said of other Dublin churches, and, on the whole, they did not exhibit in my day the harsh Erastianism and the cold indifference characteristic of an Establishment that was a mere exotic, planted by the State amidst a hostile people. But the most distinctive sign of religious life and feeling was the excellence of the preaching in many of these places of worship. The sermons of Dr. Fitzgerald, afterwards Bishop of Killaloe, were models of the best pulpit eloquence; those of Dr. Salmon, now Provost of Trinity College, were admirable for their clearness and learning, and the names of many other divines might be mentioned as able and brilliant champions of the faith in speech.

The Establishment, however, even in those days, was an institution in decline, if it flourished in Dublin. The moral forces were leaving it which support a Church; it was especially in England sapped in opinion. It was impossible not to perceive the striking contrast in three-fourths of Ireland between the Church of the State, with its miserable congregations and its neglected fabrics, and the Church of the Catholic millions, with its crowds of worshippers, its magnificent shrines, and its energetic priesthood. The growth, indeed, of the Catholic Church in Ireland during the last half century has been a wonderful spectacle. Its rude and unsightly chapels have disappeared in the towns, and have been replaced by

structures that command the landscape, in some instances of exquisite beauty. Its congregations, comprising the mass of the people, are earnest, devout, and enthusiastic, and though for the most part composed of peasants, give enormous sums to support an institution they love. Its clergy live for their sacred calling; its religious Orders are zealous and pious; it is animated by intense religious fervour. All this, doubtless, does not make wholly for good; superstition, priestcraft, ignorance, weakness have contributed to produce these effects; but the Catholic Church in Ireland is a great living fact, and it is idle to think that it does not embody the profound spiritual convictions of a pious race. I felt from youth that the Irish Establishment was doomed, and that the Catholic Church had the future on its side. This conviction was strengthened as my years advanced, and not long after I had been called to the Bar I addressed a public audience from this point of view. Brought up, indeed, as I had been, a Liberal, I held the Liberal creed in this matter, and I have seen no reason to depart from it. The Disestablishment, no doubt, of the Protestant Church in Ireland was not carried out in Irish interests; it was not a wise or a statesman-like measure. But it was, nevertheless, an act of justice, and the Church has been all the better for it. That Church will always be the Church of the few in Ireland. Its spiritual influence cannot be great, but it has more of the "living water" in it than it ever contained before.

I made the acquaintance, during these years, of one of the great chiefs of the Irish Establishment. Dr. Hawkins had given me a letter to Whately, once the "White Bear" of the Common Room of Oriel, but long ago the Archbishop of Dublin. Whately invited me to his house at Redesdale, so called from a well-known Irish Chancellor, and I had several opportunities of knowing a personage who had made his mark on the thought of Oxford, and was a remarkable and very original prelate. The Archbishop was hardly a dignified host; his manner was somewhat abrupt and rough, and you could quite understand from what he said and did that the stories were probably not untrue, how he used at the Lord Lieutenant's table to put down ladies with a gruff snub, to shoot bread pellets at supercilious aides-de-camp, and to fling sarcasms and conundrums about to the company. His conversation was clever but not striking, that of an able, but not a great man; of a chop-logic, not of a sage; and it was sprinkled with quotations from his own works, which he evidently thought the perfection of wisdom. His great fault was talking about himself, and laying down the law on every possible subject, from the philosopher's stone to a verse of Horace, with a self-satisfied assurance that provoked a smile. He amused me by once remarking that he did not care a fig about the legal assessors in his own court—men of large experience and the ripest learning—and he once shut me up on a question of the law of evidence, which I had tact enough to avoid

discussing. I often heard the Archbishop preach; but his sermons, if good, were not very good—they were logical dissertations, lacking soul and heart, and he treated the congregation like half-taught children. For the rest, Whately was a Whig doctrinaire of the Economic school, then a force in politics; he had but little influence, even in his own diocese, over the clergy and laity of his faith, and he was almost unknown to Catholic Ireland. He was, however, a good and high-minded man, and he did some service to the State in his day by promoting popular Irish education, on a faulty system, I think, but much better than none. His great foible was intense vanity; like Atticus, "he was beset by fools, by flatterers besieged;" and he was constantly followed by a herd of toadies, some of whom obtained preferment they did not deserve.

At this period of my life I had little to do with what is called the Viceregal Court, the set at the Castle admirably sketched by Thackeray. I was introduced, however, to Lord Carlisle—the Lord Morpeth of Lord Melbourne's day—a brilliant scholar and a kind-hearted gentleman, for many years the Lord Lieutentant of Ireland. Lord Carlisle was an accomplished man of letters, and having learned that my tastes were in that direction, talked to me once or twice about books of the hour, but I can hardly say that I was acquainted with him. He spoke excellently at the few public meetings the Lord Lieutenant was supposed to attend, especially at the dinner given

in those days by the Corporation of Dublin to the representative of the Queen, a kindly usage long ago abandoned. He always replied to the toast "The Prosperity of Ireland," and his speeches, which I often heard, were not without significance. He used to quote long statistics on the increase of Irish cattle; spoke of Ireland "as the fruitful mother of flocks and herds, on whose emerald plains the clouds drop fatness," and hinted, not obscurely, that all would be well if the whole island became a thinly-peopled sheep-walk. Lord Carlisle, in fact, was a Whig economist, at bottom as convinced in his faith as Lord Clarendon, though he concealed its harshness in delicate phrases, and, like all the leading statesmen of the time, he encouraged Irish landlords to dispossess their tenants—advice unhappily followed by a few, but for which even these can be hardly responsible, denounced as they now are by Radical Socialists. I met also afterwards the aged Lord Seaton—the "Well done, Colborne," of Wellington's voice rising above the din and fury of Waterloo—whose celebrated charge broke the Imperial Guard, and I remember gazing with emotion on the renowned veteran.

I knew nothing, however, of the staff in those days, or of the officers chief in command in Dublin, but I often attended the reviews in the Phœnix Park, and, as always, delighted in the mimic show of war. The Crimean War agitated Dublin greatly, for the Irish are a thoroughly martial race, as the Celt has been in all parts of the world, and the Irish gentry have always had many

sons and nephews in their country's service. Alma caused a thrill of universal delight, and I heard many a letter read—written by hands soon to become cold—announcing the immediate fall of Sebastopol. The sudden change came, and the emotion was intense. I was dining at Howth when the news arrived of Inkermann and its terrible carnage, and even the heroism of that wonderful fight—the grandest instance of what British infantry can do—did not lessen the trouble that shook all hearts. Of the horrors of that winter I need not speak; I shall simply refer to a single anecdote. I played cricket in the summer a good deal with the 63rd; the regiment landed in the Crimea about 800 strong; in less than two months it could not muster 100 men.

I did not know much, either then or afterwards, of other parts of the high life of Dublin. I was acquainted with Crampton, a man of genius; with Marsh, a learned and profound student; with Stokes, a singularly keen observer; with Hudson, eminent for his skill in practice; but I had little experience of a profession which holds an honourable place in the world of medicine. I think I hardly knew one of the chiefs of commerce; they are not numerous in Dublin, and have never filled the position in society that is their due; but some bear most honourable and distinguished names. The accident of a curious trial for libel associated me with some Fellows of Trinity College. I had known, I have said, two or three before, and I have always been treated with marked

courtesy by leading members of that great place of learning. But I am not familiar with the life of Trinity College, and I shall not pronounce a decided opinion on the system of education within its precincts. Its mathematical school has always ranked high; indeed, some of the first mathematicians of Europe owe the development of their powers to its careful training. Its classical school is not of equal renown, but of late years it has greatly improved, and I believe it can now boast of eminent scholars. As an Oxford man, I cannot admire its school of metaphysics, founded on Locke, the shallow adversary of the divine Plato, or of moral science, not enough inspired by the masterpieces of old Greek thinkers, especially of Aristotle, the first of moral writers; and Trinity College teaching seems to me, in parts, to be wanting in accuracy, in depth, and thoroughness, and to aim at the "multa," not at the "multum." The University, however, has for three hundred years produced men of renown in letters and science, and she can afford to smile at the epithet of the "Silent Sister," a reproach now altogether removed. The works written by Trinity College men have been comparatively few, because the difficulty of publication in Dublin was great; but Trinity College formed the pens of Swift and Berkeley, of Goldsmith and Burke.

During these years I saw a good deal of different parts of Ireland in the long vacations. I explored the county Wicklow on foot — one of the most

exquisite rural scenes in Europe—following as much as possible the great military road, made, like Wade's road in the Scottish Highlands, to open a way for troops in a wild hilly region. I heard even then legends of the rising of 1798, alarming in Wicklow and in the adjoining county of Wexford; long afterwards I was told many stories of the rebel defence at Ross and Vinegar Hill—remarkable for the heroism of the armed Irish peasantry—and of the failure at Bantry Bay of Grouchy, the incapable soldier, who on two occasions saved England perhaps from grave disaster. I visited also my kinsfolk at different places, but I saw scarcely anything of my cousin Desart; he was dying, like his father, of treacherous disease, and a life of bright promise was prematurely closed. I was easily able on these occasions to observe the sentiments and ideas of the landed gentry. The progress made by the country was still apparent; rents were rising, and agricultural prices high; things were on the surface peaceful and serene. The Government and Parliament, too, had thrown their influence decisively on the side of the landlord class. Bills, following the report of the Devon Commission, had been rejected that aimed at securing compensation to tenants for improvements they had made. Lord Palmerston had announced that tenant right in Ireland was only another word for landlord wrong; law, and the declared opinion of British statesmen, encouraged what was called the consolidation of the land, that is, the eviction of the tenants who held it.

The gentry, therefore, thought they were absolutely secure; their authority and their rights seemed completely safe, and a few of the order—certainly not many—continued to "clear" their estates, as it was said, in order to turn them into great grazing tracts, the process to which the famine first gave the most decisive impulse.

I did not share in these halcyon views, and happily kept out of a fool's paradise. Lawyers in Ireland have usually been judicious landlords; their profession enables them to see both sides of the game, and to understand the real state of landed relations. I did not at all interpret the future, but I had known instances of wrongs done to tenants in circuit; I had already heard of complaints about purchasers in the Encumbered Estate Court; I saw that the intense competition for farms, which the events of 1846–47 had checked, was beginning again to bear fruit; and I understood, if not very thoroughly, that a mode of land tenure, precarious in itself, which gave a landlord facilities to appropriate a tenant's improvements, was, in the nature of things, iniquitous. Perceiving all this dimly, I adopted a course which I have had good reason to approve of afterwards. By this time I had bought back the part of the Gartnamona estate that had been sold, and I proceeded carefully to examine the state of the property under existing conditions. My grandfather's rents had been fixed during the great war with France; my father had received a large portion of his rents in the labour of

cottars on his demesne; and, in fact, the full rental had not been paid on an average of upwards of twenty years. Times and the situation had altogether changed. I struck off all outstanding arrears, accepted a surrender of existing leases, and reduced my rental 25 per cent., the sum at which it has nearly stood ever since. I claim no credit for this, but a little foresight, accompanied by a desire to avoid trouble in trying to collect rents I thought high, but I fortunately took in my sails in time. My rental has stood the ordeal of Mr. Gladstone's Land Act; it has been scarcely, if at all, reduced; indeed, several of the rents have been raised.

In 1858 I married—unquestionably the happiest event in my life. My wife is a scion of the great house of Lindsay, which has risen out of the troubles of "the '45" to flourish with honour in the three kingdoms; she is a grand-daughter of Charles, Bishop of Kildare, one of the most amiable and good-hearted of men, remarkable as the only Irish prelate, I believe, who supported Catholic Emancipation and the repeal of the corn-laws—an instance of enlightened and Christian wisdom. Her father, a friend of Rose Price, my cousin Maria's father, was long known in Dublin as "handsome George Lindsay," a rival in this respect of his friend; he had been an aide-de-camp of Lord Wellesley, and had faith in the Irish policy of that far-sighted statesman; but he had left the army at an early age, and had long been settled at Glasnevin, a village near Dublin. He had his failings, as every one

has, but, taken altogether, he was one of the most sensible, just-minded, and upright men I have ever met; indeed, I have often called him "a little Duke of Wellington." A singularly accomplished man of the world, and trained through life in the best society, he had in the highest degree the social virtue of tact, and he gave proof of this even in his teens. He had joined the Scots Greys a few months after Waterloo. He often told me how he learned the sword exercise from Sergeant Ewart, who captured a French eagle in the immortal charge of the "Union Brigade;" and he was with the regiment in the army of occupation in France. As is well known, the Napoleonic officers, smarting under the sense of crushing defeat, and usually being skilful swordsmen—a French dragoon often beat an English in single fight—endeavoured to pick quarrels with their late enemies, and the Duke had given positive orders that British officers were in no circumstances to engage in a duel. George Lindsay, still quite a boy, was at a ball at Tours; one of these *sabreurs* deliberately fixed his spurs into the dress of Lindsay's partner to make her fall, and then shouted out that a "*Française*" had received an insult at the hands of one of those "*vilains Anglais.*" Lindsay instantly gave the lady up to her chaperon, and left the room without saying a word.

I shall say nothing about my wife except that she has been the treasure of my married life during thirty-six years. I shall not dwell on her many virtues; the only anxiety she has caused me has been due to pro-

tracted delicacy of health. These lines fairly represent her character :—

> "From her it never was our fate to find
> A deed ungentle or a word unkind,
> The mildest manners and the bravest mind."

I have been blessed, too, with excellent children, all now risen to the estate of man or woman. My only son is following in his father's steps at the Bar; I trust the young man will surpass the old in the Four Courts. He has for some months been doing good service in the cause of the Union as a speaker and lecturer in the eastern counties, and I have reason to know has done extremely well. One characteristic of his addresses has struck me; he is much more Conservative in thought than myself, brought up a Liberal from earliest youth. This is the inevitable result of the insensate policy which, in a revolutionary attempt to break up the Empire, has set class against class and assailed property; those who have anything to lose have become Tories at heart.

My wife and I left Gartnamona permanently in 1858, and settled at Blackrock, on the outskirts of Dublin. My mother and an only sister formed part of our family; my brother had been some time appointed Postmaster-General of Jamaica, a lucrative office, which proved, however, to be a Dead Sea fruit, for it was soon abolished, and his compensation was small. A change began now to pass over my pursuits and studies, which proved important in the

course of my life. I had written on "The Land System of Ireland" in the "Oxford Essays" of 1856, a publication boasting renowned contributors, Lord Salisbury, Mr. Gladstone, Froude, Freeman, Conington, Bishop Temple, Dean Church, Goldwin Smith, Max Müller, Mark Pattison, and many other worthies. My little tract, as I look back at it, is, I think, correct in its historical aspect; it notes the confiscation done by the Encumbered Estates Acts, and it refers, but inadequately, to the just claims of Irish tenants, as yet with scarcely any legal protection. But it takes too favourable a view of the future of Ireland; it is penetrated with economic theories not in real accord with Irish facts, and it makes too much of the legislation of the day as having remedied the inveterate ills of Ireland. It attracted, however, a good deal of notice, and I found no difficulty in obtaining a place in the literature of the great world of London. I made the acquaintance of Mr. Henry Reeve, the editor of the *Edinburgh Review*, and have been a contributor to that distinguished journal for a period of nearly forty years.

It is scarcely necessary to refer to Mr. Reeve, one of the most prominent men of letters of my time, but gratitude obliges me to say a word of one who, I hope, reckons me among his friends. Mr. Reeve is perhaps the best French scholar in England. He has admirably translated De Tocqueville's works, not to speak of some excellent books he has written. He has given the Greville Memoirs to the world, and he is

a critic of remarkable skill and judgment. He succeeded Sir George Lewis, I think, in the editorial chair, and, as every one knows, the *Review* has had, during the long period of his relations with it, contributors of the very highest order in the double province of Letters and Science. If I may be allowed to express an opinion, I would say that if it has had in his time no Macaulay, a bright particular star, it has been celebrated for the equable merit of the great majority of the articles it has contained. It is conspicuous, too, for the high breeding of manner and style that appears in its pages — a characteristic perhaps in some measure due to Mr. Reeve's position in London society.

I have written some forty essays in the *Edinburgh Review*, on subjects within a wide range—historical, legal, social, political. My contributions at first were not frequent, for an editor naturally feels his way; of late years they have been much more numerous. Mr. Reeve gradually discovered where my tastes lay, and gave me articles to write in harmony with them. As I have said, I knew the French tongue from boyhood, and had devoured history, especially the history of war, at Laugharne and Oxford, at a season of youth when the mind receives its most vivid impressions. I had followed these studies less since I had become a lawyer, though even in those years I often read Thucydides, the greatest of historians in every sphere of the art, especially in his tragic and life-like battle scenes. But when I returned to these subjects for the

Edinburgh Review, I gave my mind to them fully, and read a great deal, and like letters breaking through an overlaying text, my old knowledge came out clearly again, and proved fruitful, mellow, and useful. I have reviewed for Mr. Reeve, besides other books, a considerable number of French works relating to eminent personages in the history of France, and I have examined the achievements of many great chiefs in the field and in the councils of the State. Contributions to the *Edinburgh* are anonymous, and I shall not disclose the titles of any of my articles, especially as I still write for that journal. But I may say that Mr. Reeve has sometimes sent me communications from persons of great distinction expressing their approval of what had emanated from my pen, and this testimony has been gratifying in the extreme.

I have written for the *Edinburgh* more than for any other review; but I have contributed largely to other reviews and magazines. Articles of mine are to be found in the *Encyclopædia Britannica*, in the *Quarterly*, *Historical*, *British Quarterly*, *Law Quarterly*, *Scottish*, and *North British* reviews; in the monthly *Contemporary*, *National*, and the so-called *Fortnightly*; in *Blackwood*, *Fraser*, the *Naval and Military Magazine*, in *Temple Bar*, and in the *Saturday Review* in its flourishing prime. I have done, in short, a great deal of periodical literary work; and I may say with truth that I have received much kindness and courtesy from a number of editors. If I may attempt to criticise my writings of this

class, I think they were all fugitive pieces, unworthy of re-publication and short-lived, but nevertheless clear and direct in language, and not devoid of sound thought and knowledge. One only of the editors of literature of this type has treated me with what I may call rudeness. He sent me curt lithographed refusals more than once, in reply to communications proposing articles, and I need not say I have ceased to trouble him. The object of this personage seems to be to obtain the names of "people of quality" for his review, and some of these contributions are despicable stuff.

I became a contributor to the *Times* soon after my first article in the *Edinburgh* appeared. When a law student I had written a letter on the position of Irish landlords and tenants, which that great journal had placed in its columns, and I sent it a review in the summer of 1857. The review was inserted, and accompanied by a courteous letter, I think from Mr. Walter, the well-known principal owner of the *Times*. I called soon afterwards on Mr. Delane, the illustrious editor, as I may describe him. As in the case of Mr. Reeve, I glance at Mr. Delane for the sake of auld lang syne and most friendly relations, but no expressions of mine can add to his renown. He became editor of the *Times* about 1839, and was the chief director of the far-famed newspaper for a period of well nigh forty years. I think he wrote little in it himself, indeed the work he had to do was so prodigious that he could not have had any leisure for

writing. But he was perhaps the greatest editor who has ever lived; he was at once a perfect judge of what the *Times* required in every department of its service, a man of the world of the most accomplished type, with wonderful skill in discerning character, and a personage always welcome in the best society, and these qualities made the *Times* an influence of supreme importance as a controller and guide of public opinion. We know from the Greville Memoirs, and many other sources, the immense authority Mr. Delane possessed in the councils of statesmen of thirty years ago; and the *Times*, in fact, largely directed the mind of England in the period between 1850 and 1878.

Mr. Delane was good enough to ask me to write for the *Times*. This was the beginning of a friendship which continued without a break until his lamented death. The prediction of Fraser, made years before, that I was fit to write for the *Edinburgh* and the *Times*, was thus fulfilled at about the same date. I was a contributor to the paper for nearly twenty-two years. Living, as I did, in Ireland, I knew scarcely anything of the management and the staff of the *Times*, and if I did I would not disclose what it would be highly dishonourable to reveal. As was the case with the *Edinburgh*, I wrote but little for the *Times* for some years, but I gradually became a large contributor, one of the largest, perhaps, in the criticism of books. Mr. Delane, like Mr. Reeve, found out the vein of my thought, and gave me from time to time a great deal to do in reviewing

works on History and the History of War. The period was one of great historical works. I may refer to Froude, Freeman, Carlyle, and other writers, and the *Times* in those days gave a much ampler space to criticism of this kind than it does at present. I shall disclose as little as I can of what I wrote, but my military and historical articles often extended to eight and ten columns; in one instance, indeed, a very exhaustive review of the evidence on the trial of Bazaine, I think, occupied fifteen columns.

In 1862 I examined at length the 20th volume of Thiers' History, his account of the campaign of 1815. My comments attracted a great deal of notice, no doubt because they appeared in the *Times*. The articles fairly reproduced the Wellingtonian legend as it was expressed from the days of Siborne to those of Hooper; and as regards the all important movements of Grouchy, they follow in the main the ideas of Charras, Napoleon's able but unjust detractor. I need hardly say I have given up these views under the influence of fresh information and deeper study; I have returned to the truer conception of my youth, and my final conclusions on the events of Waterloo will be found, if any one cares to see them, in my "Great Commanders of Modern Times," a book published in 1891. Colonel Lecomte, Jomini's first aide-de-camp, the editor of the *Revue Militaire Suisse*, a veteran military writer of the first order, has been good enough to describe my sketch as the most correct, for its size, in existence; and this essay, I

think, brings clearly out the main causes of Napoleon's defeat, the failure of Ney and D'Erlon on the 16th of June, and of Grouchy on the great day of the 18th —failures that deprived the eagle of its wings and compelled it to fight with beak and claw only; it dwells justly on Wellington's genius in defence, and on the heroic constancy of the British infantry, a most potent element in the result of Waterloo. It dwells, also, on a most important subject, the decline of Napoleon's bodily strength, which perhaps saved the allies after the reverse of Ligny, and it fully indicates the grave strategic mistakes committed alike by Blücher and Wellington. In short, it is composed to some extent on the same lines as Lord Wolseley's late comments on the campaign. That distinguished man has had the courage to overthrow one of the *idola fori* of British soldiers, to reject the excuses still made for the Duke by a few critics of little repute, and to perceive the enormous superiority of Napoleon's strategy. The last word on this passage of arms has, however, not been said; even within the last three years very important facts have come to light as to Grouchy's conduct, the paramount cause of the defeat of the Emperor.

From this time forward I certainly became one of the leading military critics of the *Times*. I wrote a great deal on the history of war. At this distance of time it can be no harm to state that I wrote the series of articles on the correspondence of Napoleon—a prodigy of intellectual power; and on the supple-

mentary despatches of Wellington—an admirable autobiography of that great man—which were being published in those years. The study of these works, especially of the first, added greatly to my previous knowledge of war, and gave me, I may say, some real insight into the strategy and tactics of the Napoleonic age. I read, however, most military books that appeared, and an article from my pen on General Hamley's great work was, I believe, highly praised by that distinguished writer, by many degrees the first of his craft in England. I recollect also pointing out distinctly the enormous difficulties in Moltke's way at the opening of the campaign of 1866, owing to the extravagant dissemination of the Prussian armies, and I absolutely condemned his advance on a double line into Bohemia, his enemy being perilously near. I have seen little reason to change that opinion, if I have modified it to some extent; in fact, the apologists of Moltke have had little success in the eyes of really competent judges. But I shall notice this subject afterwards. I shall merely observe here that my friend, Colonel Baker—I need not dwell on his talents or his misfortune, which cost England a soldier of the very highest promise—said to me some ten days before Sadowa: "Napoleon would now annihilate the Prussians as he destroyed Würmser"—alluding to the immortal campaign of Italy; and this view, if over-sanguine, is, I think, in the main correct.

CHAPTER IX

LIFE FROM 1861–1869—THE IRISH CHURCH AND LAND

By this time I had reached the middle stage of life, and the years had brought their inevitable changes with them. My mother had passed away in 1861, yielding, after a long struggle, to the attacks of disease, but loved and respected by all who had known her. She died peacefully, in the midst of her family; it was a trial for her, she remarked, in the last months of her life, that she had not seen an heir born to the old race of Offaly. Her sister, Julia, had gone before her; Mrs. Tuite followed a few years afterwards; but Lady Desart, though the eldest, survived until 1874, having long outlived the son of no mean promise, brought up by her with anxious care and devotion. Others, too, of the generation, which in Scott's language "had reared our infancy upon its knee," were "blotted out from the things that be." Lady Clanricarde and her sisters had disappeared; and most of my father's and mother's kindred, whom I had known in childhood, had reached the last bourne. For myself I was full of hope and strength; the prospect before me seemed bright and serene; and I had never given up the ambitious

longing of my youth, to re-establish, in some measure, one house of the O'Connors. I took what I fondly expected would be a step in that direction, which has proved unfortunate, and which will probably lead to an opposite issue. I purchased part of the old Gartnamona lands, at a great deal more than the true value, encumbering myself to effect the arrangement; and the result of a very unwise bargain has been heavy loss and not common vexation. Fate, in her mockery at the emptiness of human wishes, will almost certainly decree that the means I took to keep together the family domain, regained in the early part of the eighteenth century, will cause the loss of the entire estate. I feel that the O'Connors will, in a short time, possess no home in Offaly.

My life flowed on peacefully now for a time, between the pursuits of the Bar and of Letters, varied only by occasional migrations to the seaside, after the fashion of the upper classes of Dublin. Ireland was suddenly awakened in 1866–67 by the discovery of the Fenian Conspiracy, and the partial alarm that followed extended to England. A new generation had grown up since the movements of 1843 and of 1848; and Ireland had been so long in repose, and was apparently making such rapid progress, that this unexpected sputter of rebellion caused angry fear and surprise. The Fenian Conspiracy was the first proof, on a large scale, of the feelings of hatred of British rule, and of the classes in relation with it, which burned in the hearts of the Irish millions, who had

emigrated to America in the Famine period; these exiles and their descendants planned, from across the Atlantic, the complete subversion of English power in Ireland, and an absolute revolution in Irish landed property. They were seconded largely in these projects by the multitude of Irish soldiers and officers, disbanded after the great American Civil War; and the plot, at least in design, assumed vast proportions. Emissaries were despatched by the hundred from the United States, to stir up secretly an Irish rising; they penetrated into most of the towns of Ireland, were numerous in Dublin and the chief Irish seaports, and made their way through the southern provinces; and unquestionably they enrolled, on paper, a large body of the sons of the humbler classes, as recruits for the army that was to set Ireland free. Promises of arms, too, and of money were scattered broadcast; it was said that leaders would land from America when the signal of insurrection should be made; and immense allotments of the forfeited lands of landlords, it is believed, were prepared, were distributed wholesale among the peasantry, and were offered as the prizes to be won by patriots. Rebellion and spoliation were thus to go together; and attempts, by no means unskilful, were tried to debauch the Irish soldiers in many regiments, and to induce them to desert, or to betray their officers. The conspiracy was marked by the peculiar aptitude for organisation we see in America; its ramifications spread far and wide; and

it was carried on steadily, and with success, for months.

The rising, however, which followed this movement came almost to nothing, and speedily collapsed. Not a semblance even of a rebellion took place; the Irish army never appeared in the field; its chiefs from America made no sign; and if petty armed meetings were seen in two or three counties, and a few outrages occurred in England, where the Irishry were, in the large towns, in thousands, the Fenian outbreak was ere long a thing of the past. The causes of this failure, perhaps, deserve notice; they were somewhat accidental and evanescent. The movements of 1843 and of 1848, distinct as they were in character and aim, had their origin in Ireland, and sprang from her soil. The movement of 1866–7 began in America; it was an importation from abroad, if Irish, and it had little hold on the hearts of the great mass of Irishmen. It was fiercely denounced, too, by the Catholic Irish priesthood, at this period wholly under ultramontane rule, and vehemently opposed to revolutions of any kind, and it was identified by them with the class of ideas which were destroying the temporal power of the Pope, and were about to make Italy free. The strongest cause, however, of all probably was that Fenianism was viewed by the peasantry with dislike; its leaders completely misunderstood their feelings. These distant conspirators in the United States projected, indeed, a confiscation of the land, but this was to be the spoil of armies in arms, not of the existing

occupiers of the soil; and they made no offer of landed reforms, of diminished rents, and of improved tenures, which the tenant farmers of Ireland had really at heart. The agrarian revolution which they had in prospect was, therefore, absolutely ill conceived; it ran counter to the ideas and instincts of the great body of the community seated on the land; it was regarded by them with suspicion and dread. Yet time was to prove that, under more artful counsels, the land could be made the rallying ground in Ireland of a movement far more formidable than that of 1866–7.

The Fenian outbreak, like that of 1848, was treated with contempt in England, where it first came to an end, and was disregarded by most British statesmen. It was especially ridiculed by Jefferson Davis, the late President of the conquered South, and, even in the North, it was not much noticed. Yet it was really the early symptom of future troubles, which ultimately were to become severe, nay, dangerous. We can now perceive why it was scarcely thought of for some time after it had been suppressed. It had little material force on its side; it seemed destitute of moral support; it had been put down almost without an effort. The generation too, of politicians, still supreme in the State, believed that Ireland was, on the whole, prosperous, and had few, if any, real grievances; as late as 1865–6, Mr. Gladstone himself had held out no hopes of being able to deal with the Established Irish Church; and in that very session renewed

attempts to make even a small reform in the Irish land system had not been successful in the House of Commons. Fenianism was voted to be a mere passing disturbance, a ripple on the sea of Irish progress, and no effort was made to seek out its causes or to inquire if there was aught of real ill in Ireland. The time had not come, if it was at hand, when the whole Irish question was to be forced to the front, and when, in his passionate attempts to solve the problem, a British statesman was to hasten from one change to another until he had laid violent hands, at last, on the Constitution of these realms.

My wife's health, which had long been delicate, suddenly gave way in 1867, and I took her, in what seemed a decline, to Clifton. Youth and medical skill, however, triumphed, and after a sojourn of more than two years in England, she returned home almost completely restored. I was much with her during these long months of care, saw a good deal of the high life of Clifton, thoroughly explored Bristol and its picturesque scenes, and made my way through parts of the adjoining counties, examining their agriculture and social structure I had been little in England for nearly twenty years, and I was forcibly struck by the immense advance in wealth and prosperity seen everywhere since the first part of the Victorian era. Clifton, which in my boyhood was hardly more than a small suburb of Bristol, perched above the Avon, had expanded into a fine populous town, its long lines of villas running out for miles, its churches shooting

up their tall spires to heaven, its admirable college already taking a foremost place among our great public schools. As for Bristol, it had not yet felt the change which has passed over it in later times; the narrow alleys and streets which had witnessed the sieges of the great Civil War, and had been the scenes of the fierce riots of the Reform Bill, had not been opened by broad wholesome ways; the town mansions of the old West Indian burghers rose in many places out of petty squares, exhibiting the architecture of the eighteenth century. But rows of new warehouses and of busy marts, and extending circles of modern dwellings, had gathered around the skirts of the ancient city; and while Bristol, with its magnificent churches, its landlocked river and its forest of masts, and its hills crowned with their world of houses, retained its quaint mediæval aspect, it was evidently increasing in size and opulence. One characteristic of what I may call the religious genius of the place made some impression on me. The Ritualist movement had grown out of the Tractarian since I had left Oxford, but it had not made the slightest way in Ireland, where the Anglican Church is distinctively Protestant, and inclines towards Geneva rather than Rome. I felt as it were in a new moral world when I beheld the gorgeous pomp, the sacerdotal display, and the mystical ceremonial of two or three of the most frequented churches of Bristol and Clifton.

Meanwhile I occasionally made excursions through Gloucestershire, Somerset, and even across the Severn.

The period was that when Free Trade was adding enormously to the national wealth, and was not yet starving the resources of the land, and the rural scenery of these tracts appeared magnificent, especially to an eye accustomed to the poorer Irish landscape. The castle of the peer, the mansion of the squire, and the parsonage of the rector were in a perfect state; and the broad expanses of tillage and pasture, waving with abundant harvests, or bright with flocks and herds, and crowned here and there with solid farm-dwellings, formed everywhere a brilliant and most attractive spectacle. For an inquirer, however, who looked beneath the surface, all things, even at this time, were not of happy promise. The tendency to migration to the large towns, and especially to the huge world of London, which has been one of the results of the railway system, and which forms an ominous sign of this time, was making itself already felt; and complaints reached my ears of half deserted villages, and of depopulation slowly on the increase. While the owner and the occupier of the land, too, were plainly rising in the social scale, the condition of the humbler peasantry was not improving; they had more payments to make if they received higher wages; they were losing their hold on their old homes and commons; they were hardly as well fed as they had been when young; they had little but the workhouse to look to when worn out; they were still "villeins of the soil" in a world of rapid progress. In short, the agricultural labourers question, which has pro-

duced Arch and demagogues of his type, and which has become prominent of late years, was beginning to attract more and more attention; and I sometimes heard murmurs that absentee landlords, and landlords of an exacting kind—especially among the *nouveau riches* squires — were more common than they had been formerly. Stories, too, were here and there told me of harsh and offensive things done by landlords, though the resident gentry were nearly always liked; and if landed relations were on the whole friendly, and the division of race and faith which prevails in Ireland between landlord and tenant did not exist, still the land system, even in these counties, was not one of complete social harmony. The causes, in a word, were already at work which, accelerated by the depression of the last fifteen years, have made thinking people regard with alarm the future of the settlement of the land in England, and of the whole social structure dependent on it.

I had my share, I have said, at this time in the social life of the upper class of Clifton. I made the acquaintance of the family of Miles, merchant princes of Bristol for two centuries, whose fine seats of Leigh Court and King's Weston—the last so-called from a visit of William III.—fitly overlook the banks of the river which bore their argosies to the West Indies. Mrs. Miles of King's Weston is a connection of my wife, and a daughter of the famous Sir William Napier; I heard from her much about her father, and a little about his views on Waterloo, views which

he could never be induced to publish, for he was convinced that Napoleon was betrayed by Grouchy, and, but for this, must have won the battle. I was made free of their library, too, by the local Bar of Bristol; wrote a tract there for the Commission appointed to consider the Codification of the Law of England; and dined several times with an aged solicitor, who believed he had given Follett his first brief on circuit. Of the many acquaintances I made at Clifton, I may refer to two, in a special way, as friends. I saw a great deal of Francis Newman, the brother of the renowned John Henry, a man of remarkable parts and culture, scarcely inferior in intellect to the great Cardinal, but differing widely from him in faith and opinion. Newman was a Radical of the school of Stuart Mill, a deep-thinking politician, if in some degree a visionary, and I found him to be one of the best of companions in our many walks on the Downs and in the neighbourhood. The second friend I allude to was William Budd, one of the most brilliant physicians of his day, the author, perhaps, of the germ theory of disease, and a foremost worker in the great band of reformers who have done such wonders in improving the health of our chief towns. To Budd's skill and care my wife perhaps owed her life; he was one of the kindest friends I have ever met. I repeatedly dined at his hospitable house, and greatly enjoyed his conversation—joyous, animated, and full of fun and intelligence. One of his chief serious topics was the public health of Bristol; he used to

dwell with pride on the contrast between the frightful mortality of the city in 1832, the year of the first cholera outbreak, and its comparative immunity in 1854, when the disease appeared for the second time; the distinction, he believed, was largely due to his persistent efforts to improve the sanitary state of the place. This eminent man has passed away, but he has left a son, I understand, of high repute in medicine.

I was at Clifton when the Clerkenwell outrage revived the alarm caused by the Fenian conspiracy, and awakened the mind of England to the Irish question. Mr. Gladstone instantly took the subject up, dilated on it with the passionate energy he has exhibited in politics through a long life, and declared that far-reaching reforms in Ireland were needed. He had already announced that the Irish community should be governed in accord with "Irish ideas;" and as Leader of the Opposition he directed an attack against the Established Church in Ireland, which a few months before he had deemed impossible. The Church, he proclaimed in vehement rhetoric, was one of the three branches of the upas tree which blighted Ireland with its deadly shade; and he carried a resolution in the House of Commons to the effect that the Establishment "must cease to exist." He was doubtless inspired by conscientious motives, but in this, as in other instances, personal interest coincided with patriotic duty; he was longing to overthrow a rival he disliked, and his onslaught on the

Anglican Church in Ireland proved fatal to the Disraeli Government. He was placed in power, as every one knows, at the General Election of 1868, by a majority that overbore all resistance for a time.

I had always felt, I have said, that the Established Irish Church was an institution that could not be defended; and after Mr. Gladstone's purpose had been declared, I spoke at a public meeting upon the subject, reiterating arguments that had long convinced my mind. What I said was very well received; indeed, Liberal Irish Protestants were united with Catholic Ireland on this question. The measure, however, introduced by the minister was, I have remarked, far from well-designed; the rearrangement of the Anglican Church in Ireland was not conducted upon the principles which had commended themselves to our greatest statesmen. The policy of Pitt ought to have been followed; an attempt should have been made to bind to the State the Irish Catholic Church and its enormous force, by making ample provision for it; and as affairs stood, this might have been taken from the resources of the Established Church, leaving this, however, still sufficiently endowed. Religious equality, in a word, should have been secured by "levelling up," not by "levelling down," to use language common at the time; this was obvious to all who understood Ireland; and this view was advocated with great force and eloquence by my friend Ball, who at this juncture was one of the members of Trinity College in the House of Commons.

Radical Nonconformity, however, prevented the settlement that ought to have been effected; the Anglican Church was disestablished and disendowed, and the Irish Catholic Church was left unprovided; and a spiritual force of extraordinary strength was not attached, as might have been the case, to the side of order, of law, and of government. The result has been to deprive Mr. Gladstone's measure of benefits that might have been produced by it, and yet, I repeat, it has made for good. The Disestablished Irish Church, I say it again, at this moment is more flourishing and possesses more real life and energy than ever was its fortune before.

The Irish land formed, so to speak, the second branch of the evil upas tree, and Mr. Delane asked me, in the spring of 1869, to write on the Irish land question, which had been attracting special attention of late, owing to a partial revival of agrarian crime. I made the acquaintance of Mr. Walter,[1] the principal owner of the *Times*, and during a visit of some days had an opportunity to study what wealth, industry, and good taste had done at his magnificent seat, Bearwood. The estate, part of the uplands of Berkshire, had been purchased from the Crown many years previously; it was then a bleak and desolate waste, peopled by a swarm of vagrants and squatters. By degrees the barren tract was enclosed; crops brought round the dry hungry soil; plantations spread over a wide area;

[1] Like Mr. Froude, Mr. Walter has died while this book was being published.

and a noble mansion rose on a broad expanse surrounded by brilliant parterres and gardens. Bearwood is one of the best built houses I have ever seen; the laundry, stables, and appurtenances of the kind are excellent; but I took most pleasure in visiting the fine churches and admirable schools attached to the domain, all founded and endowed by the Walter family. The duties of property have been grandly performed in the place; and if he has been largely aided in his task by the *Times*, it may be said of Mr. Walter that he has been one of the most judicious and best of landlords. I missed seeing Lord Cairns at Bearwood; but I had the honour of meeting Sir Roundell Palmer, long known as the illustrious Lord Selborne. The conversation of this eminent man was delightful; I well recollect with what subtlety and skill he discussed the Franciscan theory of the Junius Letters. He was so kind as to talk to me much about the Irish land, in which he took intelligent interest; his ideas were singularly just and profound; his notions of what ought to be done were excellent; and had he lived in the days when legal sages were enabled to effect great social reforms, by wise and far-reaching judicial decisions, he would have gone a long way to solve the problem. Mr. Walter's views on the subject, I should add, were most just; they were shrewd, reasonable, and liberal in the true sense; he wished to see equity done in this matter; but I need not say that, like Mr. Delane, he did not seek to fetter or direct my judgment.

I went to work on my mission in the summer of 1869, and travelled first through a large part of the South of Ireland. I explored Tipperary and the midland plain of Ireland, examined the pastoral regions of Meath and Westmeath, passed on to the eastern tracts of Leinster, was some time in the counties of Cork and Waterford, made my way into the highlands of Kerry, and finished my survey by a visit to the wilds of Connemara and Galway. I was thus enabled in about three months to see a great deal of the southern provinces, with their varied and often beautiful scenery, and to understand the land system prevailing in them—that is, the nature and modes of husbandry, the existing relations between the owners and occupiers of the soil, the tenures and usages growing out from these, the condition of the population in its lower strata, and the feelings and sentiments of the classes connected with the land. Like Arthur Young, nearly a century before—his Tour in Ireland is still of much value—I was often the guest of great landlords; but my inquiries extended to all orders of men, merchants, bankers, shopkeepers, farmers, labourers, and especially the clergy of the Catholic Church, the recognised guardians of the mass of their flocks; and having considered and balanced as well as I could the large information acquired in this way, I published it in the *Times* in a series of letters. I had no instruction from the conductors of that great journal but to ascertain and set forth the truth, and I can honestly say this was my fixed purpose. The con-

clusions I arrived at in part confirmed the results of previous experience and knowledge, in part enlarged my views and made them more definite, but also modified in some respects the ideas I had formed on the Irish land question.

Turning then to the material state of this part of Ireland, it was impossible to doubt that there had been immense progress. The methods of agriculture had greatly improved; in some counties fields had been enlarged wholesale, and had become areas for a better kind of husbandry; farm machinery had been generally introduced; the rotation of crops and turnip culture had replaced the potato plot over thousands of acres. Magnificent farms were occasionally seen, and in the rich grazing tracts of Leinster and Munster the breeds of cattle and sheep were of a type very superior to that which prevailed before the famine. The condition of the humblest tillers of the soil had also advanced; wages had perhaps doubled in some places; the enormous aggregation of cottars' dwellings, the abodes of pauper masses, had been much diminished. In a word, the reduction of the population after 1846–47, the extension of the railway system in Ireland, the opening of new markets and means of transit, and the progress of agriculture in its various branches, had had marked beneficent effects, and the southern Irish provinces and their population were much better off than thirty years before. Yet, even from a mere material point of view, this part of Ireland was less prosperous than was commonly supposed to be the

case, and the evidences of the backwardness and poverty of the past abounded. In the region that extends to the west of the Shannon—the scene of all that was worst in the famine—and generally in the more hilly counties, the mud hovel and the Celtic village of wretched huts were but too frequent; indeed, throughout most parts of the south the poorer rural classes were badly lodged. If, too, large farms had considerably increased with the better husbandry that belongs to them, small holdings were still, as a rule, prevalent; the land was still, for the most part, a land of small farms; the mass of the community was still attached to the soil in the position of occupiers of a few acres each. Notwithstanding the emigration of millions of souls, and the clearances made here and there by eviction, the views of the economists had not been fulfilled; the humble peasantry still retained the greater part of the country.

Passing from the external aspect of things to landed usages and modes of tenure, the position of affairs disclosed elements of an unsatisfactory and inauspicious tendency. The period was one of agricultural progress; prices had been rising for many years; and though I heard complaints of too high rents, and many instances of these, no doubt, occurred, I do not think rack-renting was common. But the insecurity of the condition of the occupier of the soil was a subject of universal murmuring, and this was a real and wrongful grievance. From a variety of causes I cannot dwell on here, leasehold tenures

had been greatly diminished; the ordinary mode of tenure was by the year only, and thus the tenant farmer had, in the great mass of cases, lost the protection of a possession for a definite term, and was liable to be evicted or to have his rent raised by the summary process of a short notice to quit. His position was thus precarious in the extreme, and while his legal hold on the land was slight and had been weakened of late years, his moral claims had largely increased. Under the system of occupation that prevails in Ireland, the improvements that are added to the land are, as a rule, made by the tenant, not, as in England, by the owner of the fee, and this is inevitable in a country mainly of small farms. The Devon Commission had dwelt much on this fact, the most distinctive feature of Irish farm tenure; but in the period that followed, the improvements made by the tenant class had been greater than ever, especially in the case of the smaller occupiers. Nor was this all; it had long been the custom to pay sums for the goodwill of farms; these had greatly augmented with the advance of wealth, and incoming tenants had thus, in fact, made purchases of their holdings in many thousand instances, and had virtually become part owners of them. Through all these means the occupiers of the soil had acquired equitable rights in it concurrent with the rights of the landlord; they had eaten into his freehold and taken a share of it, and their possession was, in their eyes, sacred, while he had become mainly a mere receiver

of rent. And yet, while this was their position in fact, their position in law was almost always that simply of mere tenants at will at the mercy of a dominant class.

This state of things was certainly largely mitigated by custom and the good feeling of landlords, but as a system of tenure it was essentially bad; in truth, a tenant right of enormous value had been created, yet was not law-worthy, and could be destroyed or diminished on an immense scale. This was a cause of unrest, complaint, and trouble, and occasionally of the agrarian crimes which had never wholly disappeared in the south, and recently, I have said, had revived, and a considerable reform was beyond dispute needed. Proceeding to the landlord class, it had not been much changed of late, but the changes in it had hardly been for the better. The old resident gentry were, for the most part, popular, and managed their estates, in the main, fairly. But absenteeism had perhaps increased, and if absentee landlords were sometimes excellent, they often neglected or disregarded the duties of property. The landlords who had purchased in the Encumbered Estates Court were generally condemned as exacting men, and by this time, it must be borne in mind, they were the owners of several millions of acres, and their bad influence was widely felt. In addition, the broad division of race and faith which separated the owner from the occupier of the soil remained what it had always been, with the far-reaching evil effects;

and the ever growing bureaucratic rule of the Castle had more and more diminished the power of landlords, and made them less fitted to lead the community. The landlords of the South had become more and more a caste cut off from the people and without authority, more and more like the old French seigneurs, to whom I have already compared them. And while the system of land tenure had become a flagrant grievance, the feelings of the peasantry towards their superiors had not improved, nay, had changed for the worse. The power of the Catholic Church had greatly increased, and this was unfavourable to a Protestant landed gentry. The growth of education had diffused knowledge, and made the sense of hardship more keen; the influence of ideas from across the Atlantic had entered into the minds of thousands; and if the Fenian conspiracy had been a failure, this was mainly because it was ill directed. England and the landlords were still blamed for the worst that had happened during the famine; a kind of socialistic movement might be perceived; and voices were heard which openly proclaimed that if the land system was not transformed, there would be a rising against rent.

I had been sceptical, I have remarked, of the views respecting the progress of Ireland, and her happy state, which had long been prevalent at this period. But I thought her prosperity was greater than it was; I had not completely understood how the small farm system remained dominant; I had

not perfectly realised to what an extent the land system of the south was vicious, and left rights without the sanction of law; and how the relation of landlord and tenant was fraught with mischief. My eyes, in short, were opened to painful facts, and knowledge previously dim became distinct; but I did not hesitate to state my conclusions fully. From the southern provinces I went into Ulster, and spent several weeks in the famous North of Ireland. I had never been in the province before, and my knowledge about it was very slight; but my experiences were of no little interest. The agriculture of this region did not strike me forcibly; the soil is seldom as fertile as it is in the south, and the climate is very much less genial; and except at the edges of the chief towns, and along the barren and bleak hill ranges, the land was parcelled out into small farms, better cultivated, perhaps, than in other parts of Ireland, but essentially of the same type and character. But the commercial and manufacturing wealth of Belfast, and of the circle of busy neighbouring towns, contrasted painfully with the declining look of most even of the cities of the south. Belfast, indeed, may be fitly described as a small Liverpool and Manchester in one, and Londonderry, still rich with memories of the great siege, forms a scene the historical student can never forget. Ulster is divided into two main parts, the Plantation and the Catholic counties; the first chiefly peopled by colonists of Scottish blood; the second, the home for the most part of the conquered Celt. The two races

are even now as Jews and Samaritans; they are divided by ancient and present feuds; the one represents to this hour the Protestant ascendency of a bygone age; the other bears the marks of the subjection of the past. They are Spartans and Helots, encamped in the same country; and the sturdy and self-reliant look of the sons of the settlers is still very different from the submissive bearing of the vanquished people.

Landed relations in Ulster in many respects differed from what I found them to be in other parts of Ireland. In the Plantation counties there was not the division of race between the owner and the occupier of the soil, so visible in the southern provinces; and landlords and tenants often felt towards each other as brother colonists do in foreign countries. A division of creed, however, existed; the landlords, as a rule, were of the Anglican Church, the tenants followers of the Kirk of Scotland; and this distinction produced in some places the dissension we see in the land in Wales. In the Catholic counties the line between the owner and the occupier was the same as in the south; the one was Protestant, the other Catholic; and the result was the same want of sympathy. For the rest, agriculture had made great progress in Ulster, as in the rest of Ireland, if it was not as marked as I had supposed; but the country was one of small farms, in the main, and was held by a people of small farmers. The usages connected with the land in Ulster, from which the

land system took its shape, corresponded in some respects with those in the south, but in others were altogether dissimilar. Throughout Ulster, as in the southern provinces, the tenants generally made the improvements on their farms, and large sums were given for the good-will on their transfer. The Ulster tenants, therefore, like their southern fellows, had acquired equitable rights in their holdings concurrent with the rights of their landlords, and apparently were in the same position. But the claims of the tenant, which in the south were protected only by custom, as a rule, feeble, and by the forbearance of the landlord, were in Ulster guarded by an immemorial usage, possessing the force of a social law; the Ulster tenant right practically gave the tenant security of tenure in no doubtful sense, and saved his just claims from wrong and invasion. Yet even in Ulster the tenant right, which in thousands of instances was of enormous value, was not under the sanction of law; and complaints were being made that in some estates it was being "nibbled away," and insidiously assailed. This sentiment had already caused a demand that the tenant should be enabled to acquire the fee by purchase.

Having examined the land question of Ireland in this way, I proceeded, in my concluding letters, to explain the causes which had made it what it was, historical, social, and economic, many of these running up to the distant past. I then suggested the plan of reform I had thought out, endeavouring to reconcile

existing facts with justice and with the legitimate rights of property. I am glad to think that "I pitched my Whiggery low;" warned the reader that evils of long standing were not to be suddenly and wholly removed, and deprecated wild and sweeping changes. The objects I had in view were to give the equitable rights of the occupier of the soil the full protection of law, and to shield them from invasion and loss, yet to leave the just rights of the owner intact; to gain for the tenant a secure tenure, and the enjoyment of what he had made property, and beyond this not to interfere with the landlord. I proposed, therefore, that the tenant right of Ulster should be recognised as a lawworthy usage, and that analogous rights in the southern provinces should be declared legal in the same manner. In this way the concurrent equitable rights of tenants would be made safe in thousands of instances, while the landlord would retain what was really his own. Where rights of this kind did not exist, or had not the support of settled custom—this was the case in by far the greatest part of Ireland—I proposed that the tenant should have a title to repayment for his improvements on a liberal scale; and I suggested further, that he should obtain compensation if he was evicted from his farm, as an acknowledgment, so to speak, of his past interest in it. By these means I believed that the great mass of tenants would have their just rights protected; that they would enjoy the secure tenure to be desired for them; that they would be no longer liable to have their claims confiscated,

lessened, or squeezed out, and that they would cease to be a dependent body of men. I did not propose that the State should attempt to adjust rents, believing this dangerous, if not impossible; but I recommended that every effort should be made to encourage the creation of leases by law, as this would tend to make tenures secure. I advocated also the formation of tenant owners by purchase through advances of public money, but with strict safeguards and on a limited scale.

My letters on the Irish land question undoubtedly were largely read and studied, appearing as they did in the pages of the *Times*. They were praised highly by Lord Russell, by Lord Coleridge,[1] and, I have heard, by Mr. Gladstone; they were repeatedly alluded to in the House of Commons; they were honoured by the approbation of M. de Laveleye, the well-known French economical writer. They have been republished by Messrs. Longmans. The volume, I think, is still useful as an inquiry into the state of Ireland at the time, and an exposition of the true principles on which Irish land reform should proceed, great as has been the deviation since from them. The celebrated Land Act of 1870, the first of Mr. Gladstone's essays of this kind, embodied to a considerable extent the ideas I had expressed on the subject—ideas, it is only proper to say, entertained by many thinking minds—but it was a bolder and more ample work of amendment. At every point it conceded more to the

[1] Lord Coleridge, too, has passed away since I wrote these pages.

tenant than I had been disposed to give, and at every point took more from the landlord; but it aimed at the objects I had in view, and unquestionably in a great degree secured them. I am far from asserting that no further reform of the Irish land system was required, but I still think that what I proposed, and what was carried out by Parliament at this period, was right in design and in accord with justice.

CHAPTER X

MADE A COUNTY COURT JUDGE—THE IRISH LAND LEAGUE, 1879–1885

In the winter of 1869–70, I was placed on a Commission charged to inquire into the corruption at elections of the Freemen of Dublin. The inquiry continued for nearly two months. My colleagues were the late Hugh Law, a leader of his circuit at the time, and afterwards a distinguished Irish Lord Chancellor; and Charles Tandy, a cousin of my own, and a very able lawyer, who never attained the eminence at the Bar he deserved. As the Junior Commissioner I prepared the Report; indirectly it threw a good deal of light on municipal life in the chief town of Ireland. The Charter, which formed the Corporation of Dublin, was on the model of that "of our liege men of Bristol," and was granted in 1207 by King John; and in both cities the guilds of trades and artisans obtained the Parliamentary franchise in the course of time, and were enrolled in the ranks of their freemen. Protestant ascendency, however, when it became supreme in Ireland had its effects in this as in other things; and while Catholics were debarred from becoming freemen, ingenious devices were employed to extend lavishly the right to Protestants in order to maintain

"the Protestant interest." The freemen of Dublin became a very numerous body; they comprised hundreds of the best citizens; but they also included a considerable mass of traders and artisans of the very lowest class, hardly different from the dregs of the populace; and this was accessible to bribery and influences of the kind. The scale at elections in Dublin was often turned by this corrupt and worthless body of men; and the evidence of the methods by which their votes were bought by candidates and their agents was sometimes amusing, and would have afforded a vein for the humour of Dickens. In some instances hands were thrust into mysterious "holes in a wall," and were filled with sovereigns and bank notes; in others, treating went on wholesale, and freemen voters, shouting for Orange William—their orthodox Protestantism had not died out—were swept to the poll on a flood of whisky; in many, husbands and brothers were urged to the hustings by wives and sisters who had been made safe by secret largesses of cheap finery. The Commission reported that corruption prevailed largely among the freemen of Dublin, but Parliament has not proceeded further; and on the whole, it has perhaps been well that this ancient franchise has not been abolished.

At this time, and during a few years afterwards, I saw a good deal of the rulers of Ireland, and something of the high life of the Castle. I had become acquainted with Mr. Chichester Fortescue—I have already referred to him; he was Chief Secretary in

1869–70, and was engaged in preparing the Land Act of that day, and he was so good as to speak highly of my letters in the *Times*. Mr. Fortescue, the Lord Carlingford of later years, was even then one of the few surviving specimens of the Irish Liberals of the old school of Grattan; an Irish landlord himself, and with strong ties and associations with the class of landlords, though he stood aloof from mere popular leaders, he had true sympathy with the Irish peasant, and sincerely wished to improve his lot; he is one of the best Irishmen of his generation, and it is to be regretted that he has almost retired from politics. I received much kindness also at the hands of Lord Spencer, one of the most high-minded and upright of men. If, as I venture to think, he is in the path of error in following Mr. Gladstone in the policy of Home Rule, he has certainly done this from the purest motives; and he was as Lord Lieutenant most industrious, capable, and just. I had known Sir Thomas Larcom for some time. This singularly able and accomplished man had been Under Secretary of Ireland for years; and if, as I believe, his systematic efforts to extend the bureaucratic régime of the Castle have by no means been attended with good, he had the welfare of the country thoroughly at heart. Sir Thomas, an Englishman of the economic school, was practically the chief ruler of Ireland while in office; he had no liking for the Irish landed gentry, and limited their authority in every way—I have heard him compare them to petty Turkish Pashas. With

other administrators of a high order, he favoured centralisation in the work of government, and directed as much as he could from his desk at the Castle through paid magistrates and their subordinates; the supremacy, indeed, of "Larcom and the police" in the government of Ireland had become a proverb. I made the acquaintance, too, of the late Mr. Burke—one of the victims of the Phœnix Park tragedy—at this time in a minor office, but already known as a man of promise, and ere long to become the successor of Larcom.

In this way I obtained fresh insight into the characteristics of the rule of the Castle. I have already noted some of its efforts, especially as regards the landed upper class; I shall glance at the subject as a whole afterwards. Here I will say a word on the social life of the Irish Viceroyalty at this period, the only one in which I was at all familiar with it. Thackeray, I have said, has described with a satiric touch what has been called the "pinchbeck court" of the Castle; how supercilious aides-de-camp, "horsed in the Phœnix," handed in the cards of aspirants at the Lord-Lieutenant's levées as if they were messages from the *canaille;* what obeisances the wives of the Dublin *bourgeoisie* made, in awe, before the Viceregal throne; and in what a curious fashion trains were dragged behind their overdressed wearers at thronged drawing-rooms. All this, however, is partly caricature; Thackeray knew nothing about the best life of Ireland. Undoubtedly the great gatherings and balls at the Castle usually

presented an odd and even amusing spectacle. Court suits and rapiers ill became figures not of the type of the Norman De Veres; feathers, lappets, and robes, long as the tails of peacocks, sate badly on beauties not *grandes dames*, and all kinds of people mingled in crowded confusion. But the inner circle of the Castle and the Lodge was charming in these days, as it often has been; Lord and Lady Spencer attracted to it all that was best in the high social life of Ireland, and the best Irish society has always been remarkable for its fine breeding and culture. This, indeed, was not accomplished at once, for the aristocracy of Ireland kept at first aloof from the representative of a policy they disliked; but before long all went on smoothly; Lord and Lady Spencer became the honoured heads of a very brilliant and refined *entourage*, and I daresay they have not yet forgotten the farewell they received in 1874 when Mr. Gladstone first went out of office. Things unhappily have greatly changed since that time; the upper Irish classes shun the Viceregal Court owing to the bitter feelings engendered by Home Rule, and this I cannot help thinking has been a mistake. It is only a part of a much larger question; but the Lord-Lieutenant represents the sovereign, and, whatever the provocation, should be received by the Irish aristocracy with loyal goodwill.

About this time I saw a great deal of Mr. Froude, the historian of Tudor England. He had come to Ireland to collect materials for his well-known book, "The English in Ireland in the Eighteenth Century;"

he was engaged in this task for part of a spring and a summer. I had reviewed most of his Tudor volumes in a kindly, but I hope an impartial spirit, and I found him a very pleasant companion. I confess, however, I felt much annoyed when his "English in Ireland" was before long published. The work breathes the false philosophy of Carlyle; it treats the Irish as an essentially inferior race, and the English as their natural masters; its ideal of government is mere force; it regrets that the policy of "Thorough" was not carried out in Ireland unflinchingly since the first Norman Conquest. It turns into ridicule too many distinguished Irishmen, especially the wise and illustrious Grattan; exalts Fitzgibbon, a kind of legal Strafford, in evil times, as a high-souled patriot; reveals profound ignorance of the old tribal life of Ireland; and abounds in grave and pernicious errors. It stands, indeed, in marked contrast with the admirable works of Mr. Lecky on the same subject, and I believe it has been the least successful of the author's writings. I fear I sent an angry letter to Mr. Froude, and if so I am sorry for it, and I am willing to admit that subsequent events have in some measure proved his theories true. The agitation of the last fifteen years has shown that the Celtic Irish are still a race easily led astray by unscrupulous men; that Catholic Ireland can still be drawn to a great extent into veiled rebellion; that while justice should be done in all respects to Ireland, she requires the firm hand of an able ruler; and that it is folly to abandon "the Eng-

lish in Ireland"—the only real support of the British connection—in order to gratify Irish demagogues at the cost of breaking up the empire. Mr. Froude, too, it is only right to add, has clearly pointed out in his book the faults of the misgovernment of Ireland in the last century; these are admirably explained in his later performance, the brilliant romance of "The Two Chiefs of Dunboyne."[1] I have never met him since; but I may be permitted to say that I rejoice he fills a great historical chair in Oxford, a successor of Arnold, Goldwin Smith, and Freeman.

I followed with intense interest in 1870–1 the course of the gigantic war between France and Germany. The contest fully brought out the difference of general opinion in Ireland and England. The great body of Irishmen took the French side; the great body of Englishmen were on the side of the Germans. As I have said, I mourned for the disaster of Sedan; I exulted at the great national rising of France, and hoped that she would defeat the invaders, as she had driven the allies back in 1793–4. I made two very lucky forecasts. As soon as I heard of Macmahon's march towards the Meuse, I telegraphed to a most sagacious critic of men and things "that army is lost," and I did the same in the case of the fatal movement of Bourbaki to the east, which ended in ruin, and brought the struggle to its ill-omened close. I have some reason to believe that General Hamley took

[1] Mr. Froude has died while these sheets were passing through the Press.

an opposite view as to Macmahon's prospects—this indeed may be gathered from his well-known book —but few students of war will now attempt to excuse the operations of the French in either unhappy instance. I wrote a short account of the great contest for the *Times;* this was republished by my friend Mr. Bentley; and though it was of course a superficial narrative, it received much commendation at the time. It was translated into French, and, I believe, German; was quoted from largely in a History of the War, published under the auspices of Colonel Hozier; attracted the attention, I have heard, of the illustrious Chanzy; and I have been informed was thought well of by Moltke himself, though this I can only report from hearsay. The book—a mere sketch—has long passed out of sight; but it is a fair epitome, I still think, of the principal events of the war of 1870–1, and the point of view taken is in the main, I am convinced, correct. The author, if dazzled somewhat too much, is not blinded by the glare of German triumphs, and does not slavishly worship success; I have glanced at the mistakes committed by Moltke, especially in his hasty advance on Paris, and I have done justice to the magnificent efforts of France when under the heel of her revengeful conquerors, and especially to the great deeds of Chanzy, though imperfectly, and without sufficient knowledge. I am entitled to say that these conclusions have been justified in most respects by the many able and exhaustive works published on the subject during the last twenty-four years; they largely

reappear, I may add, in my study on Moltke—on this I shall say a word afterwards—though in a more definite and complete form, and with the advantage of the information acquired since I first wrote.

Through the courtesy, as I recollect, of Mr. Reeve, I was introduced soon after this time to Lord Sandhurst, then in command of the forces in Ireland. I had already seen much of the staff in Dublin, usually able and intelligent officers, and I was occasionally a guest of Lord Sandhurst at Kilmainham Hospital. I knew little or nothing of his career in India, but he was, I believe, much engaged in these years in the work of reorganising the military power of the country, and I was greatly impressed by remarks he made on the subject. He used to dwell on the aversion shown by Englishmen throughout history to anything like a conscription, and on their tendency to rely on mercenaries in war; and he often observed that the British army could not hope to attract the best men to it owing to the large prizes in the learned professions, and to the immense fortunes made in British commerce. I was most interested, however, perhaps, in his comments on the great war just ended, which agreed for the most part with the views I had published. He had visited the chief battlefields of 1870–1, and he once compared Macmahon's fatal compliance in marching on Sedan, against his better judgment, in consequence of evil counsels in Paris, to the weakness of the French generals of the Seven Years' War, puppets of the favourites of Louis XV. But his

worst condemnation was reserved for Bazaine; he was convinced that the Marshal was an intriguing traitor, a fact since conclusively proved; and after the trial he more than once remarked that the court-martial had been too lenient. He also believed that, had he been in earnest, Bazaine could have got out from Metz. He has said to me, "I do not care to boast, but had I commanded the army of the Rhine, the Germans, I think, could not have kept me within the fortress." He inclined, too, to General Hamley's view, that Bazaine, after Mars la Tour, might have fallen on the communications of the invading armies, and perhaps changed the whole course of events—a view, I may add, by no means confined to General Hamley, as has been alleged by Moltke's shallow and ill-informed idolaters.

In the summer of 1872 I was appointed County Court judge of Louth. More than one personage of weight, I have said, had watched my conduct on the Fishery Commission, and exerted influence in my behalf; but I owed much, too, to the kindness of Lord O'Hagan, the first Catholic Chancellor of Ireland since the Revolution, and also, I have heard, of Mr. Delane, who in this and other instances proved a real friend. Lord Spencer wrote me a very courteous letter; I trust I have never belied the hopes he expressed that I would be not unworthy of his choice. The office of County Court judge in Ireland is of much older origin than it is in England, of greater importance, of higher dignity. The Irish County Court judges are also chairmen of the Court of Quarter

Sessions in their respective counties; they have a large jurisdiction, unrestricted by modern statutes, in cases of crime, not possessed by their fellows in England. Their civil jurisdiction, too, is far more ample; it embraces nearly all causes of landlord and tenant, disputes involving the title to land, and equity to a considerable extent; and during the last forty years it has been steadily on the increase. As I have remarked, indeed, it has made broad inroads into the domain of the Superior Courts. This tendency, I have said, may become injurious to the interests of Ireland, and of her Bench and Bar. The main distinction, however, between the judges of the County Courts in England and Ireland is that the first may be dismissed by the Lord Chancellor; the second enjoy the status of the superior judges, and can be removed only by a vote of Parliament, and this marked contrast completely divides them. In Ireland, at least, the independence of these functionaries is absolutely essential to secure confidence in the administration of justice even in any degree; a people, largely alienated, alas! from its government, and widely separated by animosities of race and creed, prizes judicial liberty, and has a strong interest in it.

I was County Court judge of Louth for nearly six years, and found the office of a very agreeable kind. The chief subordinate of my court, the Clerk of the Peace, was an able, upright, and useful assistant, and I had the advantage of a courteous and excellent local Bar. I was often a guest, too, at great country

houses—the time had not yet come when I had to give up this pleasure—and I renewed my acquaintance with William Ruxton, my old school-fellow at Epsom House. Few of the causes I tried deserve notice, except, perhaps, one in which a Catholic body sought to oust the jurisdiction of the civil courts by a dexterously framed and far-reaching contract. My decision against it was confirmed on appeal by, I think, that consummate lawyer, Francis Fitzgerald. The most striking and important feature of the time was the position of affairs in Louth, and, indeed, in the rest of Ireland. The Home Rule movement, inaugurated by Butt, had just begun to make itself felt, but it was not yet a strong political force; it was chiefly supported by short-sighted Protestants, discontented at the fall of the Established Church, and Catholic Ireland took little interest in it. It had not, in a word, yet become an influence in the hands of conspirators against our rule in Ireland—a card in the game of unscrupulous faction. It should be specially noted that at this period it was the object of the scornful contempt and the vehement ridicule of Mr. Gladstone.

The condition, however, of the Irish peasantry, and their ideas and tendencies during these years, were significant, considering events that followed. I travelled through different parts of the country, and the material improvement of the rural classes from 1872 to 1878, and of agriculture, became very apparent. The humbler tillers of the soil had a less

poverty-stricken look; the tenant farmers believed that they were assured an Eldorado in their holdings through the recent Land Act; nearly all districts showed signs of growing prosperity. Yet there was another side to this state of things, not visible as yet, but full of impending mischief. The intense competition for the possession of land, which had been checked for years by the famine, and which, even lately, had not been what it once was, was stimulated in the highest degree by the steady and rapid advance of wealth; and this was still more quickened by the large rights which legislation had given the occupier in the land, and which secured him a partial property in it. Rents rose; the sums paid for the goodwill of farms were immense; and many thousands of the agricultural class were placed in a position in which adverse seasons might suddenly reduce them to distress and poverty. The peasantry, besides, had lived rather fast, and in numberless instances had become loaded with debt; banks lent largely on the tenant right of farms; in short, the ills were engendered which a quick rise in fortune produces in a community seldom accustomed to it. Meanwhile the peculiar ideas of change to which I have referred before were pervading society with augmented force, and though they did not find much open expression, and there was very little agrarian crime, still there were vague sounds of discontent and trouble. In addition, the division between the owner and the occupier of the soil, and all that it implies, did not

lessen; it probably widened. Means were found to evade the Act of 1870, to deprive the tenant of the rights he had acquired, at least to impair them to some extent; if instances of these wrongs were not frequent, they provoked irritation and distrust of landlords. But if elements of social disturbance and ill-will were growing, they were as yet concealed; the spectre of Fenianism had been laid, and British statesmen, as they had done before, believed Ireland to be contented and happy. This was especially the faith of Mr. Gladstone, announced in exulting language at the close of this period, when the torrent's smoothness was already about to dash below.

I was transferred from Louth to Kerry as County Court judge in 1878, by the Lord-Lieutenant of the day, the Duke of Marlborough, a sensible Viceroy. Kerry is a vast region of mountain and plain, extending from the Shannon to the highlands of Cork; the gem of its scenery, Killarney, is of well-known loveliness. Its social relations are essentially the same as those in the other provinces of the south, that is, the gentry are mostly Protestant, and sometimes absentees, and the community settled on the land is Catholic; but Kerry forms part of the great western tract of Ireland which has been always poor, and which suffered cruelly, I have said, in 1846–7; and it is especially the home of a purely Celtic peasantry. The county seemed prosperous when I had visited it in 1869, and was in a state of apparent repose; but from that time the various disturbing influences

which I have just glanced at had been at work; and if things looked, on the whole, well, a kind of uneasy restlessness could be perceived, especially among the mass of the people. Months, however, elapsed before these symptoms acquired anything like a formidable shape, and I discharged the ordinary duties of my court in common, I believe, with all my fellows, without the slightest apprehension of evil times at hand. It was not until after the close of 1879–80, that a cloud, at first not "bigger than a man's hand," which had been previously little noticed, burst suddenly in Kerry and in other parts of Ireland into a far-reaching and destructive storm, and proved the herald of the period of troubled disorder which has afflicted Ireland more or less ever since, and has deeply affected even our imperial fortunes.

Though the Fenian conspiracy of 1866–7 had failed, the dregs of it still remained in Ireland, and its organisation in America had never been broken up. Its leaders held themselves ready for fresh efforts; and one of its adherents, Michael Davitt, on being released from Dartmoor, where he had been confined—he had been convicted of a very grave crime—crossed the Atlantic in 1878, in the hope of quickening the ashes of the late rebellious movement. Davitt was the son of an evicted peasant of Mayo; he had memories of the events of the famine; and if Irish "independence" was his first object, he cordially detested Irish landlords, and burned to strike a blow at the whole order. He had adopted

the creed of John Finton Lalor, one of the rebels of 1848, who, we have seen, had taught that the most effective way to free Ireland from the Saxon yoke was to array the peasantry against the owners of the soil, and to assail England through her "landlord garrison;" and he convinced his American colleagues that a movement in this direction would be the best means of resuscitating the defeated Fenian cause. What was known as the "New Departure" in the conspiracy was made; Davitt and other emissaries returned to Ireland; and a Local Land League was formed in the spring of 1879. True to the object they had in view, the chiefs of this association endeavoured to arouse the peasantry in the west against their landlords; they declared that "landlordism" was to be destroyed, and that the occupiers of the soil would be made its owners; in short, preached simple agrarian plunder; but the movement at first made but little way, and, in fact, was confined to a nook of Connaught. Davitt and his followers then addressed themselves to a personage of a different class and type, who had become prominent in Irish politics. Mr. Parnell was an Irish gentleman by birth; but he had inherited a dislike of England and her power; he had made himself conspicuous in the House of Commons for obstructive arts; and if he had joined the Home Rule movement of Butt, he had made it more aggressive and active, and in fact had already transformed its character. With some of his Parliamentary followers, he threw in his lot with

Davitt; a main Central Land League was formed on the principles which had been already announced; but though backed by a party growing in power in Ireland, and possessing an organisation of considerable force, the League for some months was in no sense formidable. It was rightly felt to be a Fenian propaganda in disguise; the middle classes kept aloof from it; and it was regarded with dislike by the Catholic priesthood.

A national calamity gave an immense impulse to a movement hitherto not alarming. The harvest of 1879 in Ireland was the worst known since the days of the famine; the crops of oats and potatoes largely failed, and distress suddenly fell on extensive districts. A rapid calling in of demands followed; thousands of the tenant classes who had sunk their all in the land found themselves ruined; the peasantry, deeply indebted, suffered severely, and evil memories of 1846–47 revived. It cannot be said that in this emergency the landlords generally reduced their rents, though they certainly did so in many instances; and as soon as they attempted to enforce their claims, the profound divisions in landed relations opened, so to speak, with pernicious results, and smouldering discontent broke out into flame. The leaders of the Land League seized the occasion; they put forward a demand for a universal diminution of rent; and where this was, as they foresaw, refused, they called on the occupiers of the soil to join them, and proclaimed war to the knife against landlords. The League acquired in a

few months portentous strength; rallied to it hundreds of thousands of the rural classes, and even of the classes engaged in trade, and, though with reluctance, the great body of the Catholic clergy joined it at last, and gave it the weight of their vast authority. The organisation was soon established in large parts of the southern provinces, especially in the poor tracts of the west; Local Leagues, dependent on the Central Society, were set up in hundreds of parishes, and a kind of anarchic government carried out the "unwritten law" of an agrarian code devised to meet the crisis. Landlords were to be threatened and refused their rents; eviction was to be prevented at any cost; evicted farms were to be left derelict; and any traitor to the cause who should venture to take land placed in this kind of barbarous mortmain was to be subjected to the most dire penalties. Disorder, trouble, and lawlessness of every kind were the natural accompaniments of this state of things; and agrarian crime, which had almost become a thing of the past, was multiplied to a fearful extent. The movement, however, though it seemed to spring from the land, and drew from it its chief visible force, remained, nevertheless, as regards its directors, essentially of a rebellious and Fenian kind; this was evident, indeed, from Mr. Parnell's speeches, and from numberless signs of the time. And it deserves to be noticed that the League made no progress at all in Protestant Ulster; it was generally avoided by Protestant occupiers of the soil; it was strong in Catholic Ireland

only; and its power, though widespread, was not really great in more, perhaps, than six or seven counties.

Mr. Gladstone by this time had been placed in power on the fall of the government of Lord Beaconsfield. The minister clung for some time to his faith that Ireland, even in 1880, enjoyed plenty and peace, but he was gradually disabused of these optimistic fancies. He began to denounce the Land League in characteristic language, largely because its leaders had baffled his policy, and he asserted, with felicitous truth, that their real object was to "march to the dismemberment" of the State "through rapine." But he did not confront the rebellious movement, already convulsing a great part of Ireland, with the steadfast resolution with which Peel had put down "Repeal" in 1843, and with which the rising of 1848 had been quelled. He prosecuted, indeed, Mr. Parnell and others, but the Irish jury system had been transformed and thrown open to popular influence; and as has repeatedly happened in instances of the kind when politics and religion are involved, the trial, as had been foreseen, was abortive, and ended in the defeat of the Government. An Act was then passed in the session of 1881, empowering the Irish Executive to imprison persons even suspected of crime in disturbed districts, and this was doubtless aimed at the League and its agents. Under the provisions of this law an immense number of the petty officers of the association were thrown into jail; but this was no hardship for men who in nearly all instances were the "village

ruffians" of the little Local Leagues; they were treated with a forbearance beyond their deserts. No attempt was made to bring them to justice, and the leaders of the conspiracy for a time went scot free, and were permitted to carry on their revolutionary work. The Act, in a word, proved of little avail, and it became soon evident that Mr. Gladstone had no faith in such remedies. His Chief Secretary, Mr. Forster, had carried out the law with unflinching steadfastness, as far as it went, and had manfully opposed, within the measure of his powers, a deep-laid and dangerous plot against the State in the guise of a socialistic movement. But after months of incessant care he was thrown over by a minister already faltering in purpose and divided in mind; and Mr. Forster was recalled in circumstances that did little credit to the Government, and exposed its weakness. The Chief Secretary had long been made the mark of the vengeance of a band of assassins; his recall was deemed a triumph for the League; and this must have been known more or less to his colleagues.

Mr. Gladstone, in fact, had already turned to the policy of concession which, in the case of Ireland, he has invariably followed, with little regard to the consequences which this might at last involve. He had probably, despite his indignant charges, persuaded himself that the Land League movement was essentially of a social kind, caused by grievances connected with the land; and though he had declared that the Act of 1870 was the *ne plus ultra* of landed reform

in Ireland, he brought in and carried in 1881 a measure different in conception and far more sweeping. There were defects, no doubt, in the Land Act of 1870, and it had been here and there, I have said, evaded; but the Act of 1881 not only sought to remove blots and imperfections like these, but created a revolution in Irish land tenure. Its paramount object was, indeed, to secure the concurrent rights in the land to which the occupier was entitled, and to place them beyond the reach of encroachment; but it aimed at accomplishing this by extreme methods from which statesmen had hitherto shrunk, and which Mr. Gladstone had himself condemned. The tenant right which the previous law had established and tried to protect in different ways was made a permanent estate in the land, renewable at certain intervals of time, and subject only to easy conditions; and in order that this right should not be diminished or destroyed by an undue increase of rent, rents were to be fixed and settled by the State. The occupiers, therefore, of the soil in Ireland were thus changed at once into joint owners, whatever might be their interests in the land. The landlord was made little more than the owner of a rent, and his proprietary rights were enormously reduced by the provision that his rents were to be adjusted not by himself, but by an authority from without. A Land Commission, with Commissioners attached to it, was charged with the task of settling rents concurrently with the County Courts; and this was to be effected either by litigation in

court, or by agreement between landlord and tenant, guarded with jealousy, and to be placed on record. As if, too, to make the tenant right more perfect, rent was not to be charged on improvements made by tenants, and it should be added that the Act of 1870 was greatly strengthened in the tenant's interest. The principle, moreover, contained in that Act, of encouraging tenants to buy their farms, through advances to be made by the State, was in a certain degree extended.

This far-reaching measure—an agrarian law as searching as is to be found in history—went near carrying out, it will be observed, ideas on the land which I have said had grown up of late years in Ireland, namely, that the tenant virtually owned his farm, and that the landlord was entitled to a rent only; and if it was an exaggeration of existing facts, it was to some extent in harmony with them. I shall notice hereafter the working of the Land Act of 1881; but I will say a word here on its cardinal principles. The provisions, it was obvious, which reduced the status of the landlord almost wholly to that of a mere possessor of a rent, arranged by a tribunal of the State, would deprive him well-nigh of power over his estate; would encourage absenteeism and other evils; would check expenditure made by landlords on the soil; and would still further extend the peculiar rule of the Castle. The principle, too, of fixing rents by the State was evidently in a high degree perilous, not to be carried out perhaps with success, and pregnant with discontent and trouble; and that this should be

the subject of contention before a tribunal in many thousand instances would plainly be a very grave mischief. The rule, besides, as to the assessment of rent excluding improvements made by tenants would certainly open a wide scope to fraud, to chicane, and to falsehoods of all kinds; it could plainly be made a most potent instrument to worry, annoy, and despoil landlords. On the whole, the objections to the scheme were immense, and were perceived at once by thinking minds in Ireland. If some measure of the kind were required, enlightened Irish opinion would have preferred either a wide extension of the Act of 1870, the wisdom of which was for the most part acknowledged, or that the State should fix rents once for all by a summary process.

This immense concession, however, did not suit the purpose of Mr. Parnell and the heads of the League, who used the peasantry as pawns in a revolutionary game. On a plausible but hypocritical plea, they called on the occupiers of the soil to reject the Land Act; promised their farms "at prairie rents" to those who held firm; and proclaimed that "the land of Ireland belonged to the people." Mr. Gladstone, incensed that he had been again thwarted, brought "the resources of civilisation into play," and Mr. Parnell was arrested, with some of his followers. The League retorted by a manifesto against the payment of rent; and nothing shows more clearly what its power had become, and how socialistic ideas had grown prevalent, than that this dishonest appeal was very widely

obeyed. The movement, of which I had heard faint rumours many years before, was thus boldly set on foot; and in large parts of Ireland, though with varying results, an absolute suspension of rent followed, in some measure as a strike against landlords, but mainly as a defiance of British rule and law.

The Government and the Land League were now at open war; the struggle continued for about six months. The agents of the conspiracy were imprisoned wholesale; plundered landlords endeavoured to assert their rights; and evictions were frequent in many counties. The League offered a fierce and determined resistance; its lay and clerical rulers worked hard to extend its organisation and to increase its strength; and the machinery it had created to enforce "the unwritten law" was plied ruthlessly and with much success. Many of the landed gentry had to fly the country; hundreds were reduced to pitiable distress; attempts to recover rent were repeatedly baffled by the stern prohibition to take evicted land. In many districts, especially in the west—the poor region of the easily led Celt—the authority of the State was more or less supplanted by a revolutionary and lawless system of rule, maintaining itself by intimidation and crime; and whole tracts wore the aspect of France in 1789, when Jacobinism and its emissaries made the peasantry rise against seigneurs long divided from them, and the rights of man were illustrated by the flames of châteaux. Meanwhile the real aims of the League were disclosed in philippics against the

"curse of the Saxon," announcing the "advent of national freedom;" the harangues of vehement spouters of treason were repeated by a fierce incendiary Press, and American Ireland flung itself into the movement. The plotters against England in the United States exulted at the success of the projects of Davitt; the Fenian exchequer was lavishly supplied; and millions of the Irish race across the Atlantic, descendants of the emigrants of the great famine, poured vast subsidies into the coffers of the League to carry on the war against the "English enemy."

The crime and disorder already prevalent were necessarily immensely increased in this conflict. A reign of terror was witnessed in some counties as the League struck back at the Government and the law. A series of frightful murders took place; the victims were sometimes of the upper classes, but often from the ranks of the peasantry, for disobedience of the League meant peril to life, and more than one farmer who paid his rent was shot. A system of persecution, ingenious and cruel, was devised to insult and worry the gentry; domains were ravaged by "Land League hunts," wild assemblages of excitable mobs; the sports of the field were strictly forbidden to landlords who "made themselves obnoxious;" the horses, hounds, and flocks of many a squire were destroyed. But the power of the League was most severely exercised against those—often in the humbler walks of life—who dared to transgress its barbarous edicts. The vengeance inflicted on

"grabbers of derelict farms," and threatened under tremendous penalties, was extended to all who crossed the will of the League; and petty juntas of tyrants in their local conclaves pronounced and carried out the detestable sentence of "boycotting" against those who did not yield to their bidding. These victims, and they were to be reckoned by thousands, were "shunned as lepers," in Mr. Parnell's language; in numberless instances they were refused food, lodging, clothing, and Christian burial; torture and even death was often the result; and "behind boycotting," Mr. Gladstone said with truth, "was the sanction of assassination, not to be condemned." This tyranny, omnipresent, reckless, inhuman, kept whole districts in perpetual fear; and concurrently with this the machinery of the League was employed to resist justice and the pursuit of crime. As has been repeatedly known in Ireland, juries, under the influence, in part, of sympathy with a widespread and popular movement, and in part of the terror inspired by it, refused to do their duty in many instances, and offenders of the worst kind were often set free. The law, in fact, was paralysed to a very great extent, and in criminal and civil causes alike its authority was largely set at naught and baffled. Ere long the conspiracy extended its fell power to England; more than one minister of the Crown was in grave danger; and the dynamitard too often gave proof of what Irish patriotism would dare to do against the Saxon.

A number of Mr. Parnell's followers had by this

time made their way into Parliament; and these and other adherents of the "Uncrowned King," drawn for the most part from the lower middle classes, formed the commanders and the staff of the forces of the League. History will have to pronounce hereafter if any of these men directly promoted the tyrannous anarchy or were associated with the lawless crimes which marked the progress of the conspiracy they led. But a few openly preached incendiary doctrines; others professed Irish independence to be their aim; some were condemned by the Special Commission, charged afterwards to examine the subject, for connivance at least with odious misdeeds, especially for taking funds from the Clan-na-Gael in America, an association that advocated deeds of blood, and from an avowed apostle of the faith of dynamite, in order to support the movement at home. It seems most likely that some may have winked at crime as Robespierre winked at Marat and his crew; they at least drew profit from crime, and acquiesced in it, if the worst excesses of the League cannot be brought home to them. The assassination of Mr. Burke and of Lord Frederick Cavendish formed the last scene of this period of triumphant violence, and Parliament indignantly made a great effort to put down the rule of the League in Ireland, and to quell the disorder that had produced such results. Partisans who have lately denounced "coercion" for the purposes of unscrupulous faction, might well blush were they to peruse the measure enacted for Ireland in 1882, and pressed forward by

Mr. Gladstone, even if his heart was not wholly in it. Trial by jury was abolished in a number of cases, especially of crimes of the gravest kind, in which it was never abolished before; the right of public meeting and the Press were closely restricted in many ways; many new offences were created by the law; the use of arms was jealously watched; in whole districts the rule of the curfew was enforced. A Draconic Code was in fact substituted for the ordinary law over a whole range of instances; the Constitution was held in suspense; and all this was directed against the League, and what was deemed public opinion in Ireland.

The various causes which at this period gave the Land League power over the Irish peasantry had peculiar efficacy and force in Kerry. The line between landlord and tenant was very deeply marked; it was not made less harsh by any benign influence; the few Protestant occupiers of the soil were lost among the Catholic masses. Kerry, too, has always been a poor county; it suffered greatly from the distress of the time; and its Celtic population, like all Celts, when once roused are prone to acts of violence. The magazine, in a word, was exposed to the spark; the explosion was far-reaching and terrible. No county, perhaps, was more disturbed from 1879 to 1882, and the Land League held its Saturnalia in it. Atrocious deeds of blood and outrage were frequent; there were several revolting and cruel murders; and the hideous crimes of mutilating the dumb animals of those who disregarded the commands of the League, of cutting off

the hair of women, and of shooting in the legs, were perpetrated in a great number of cases. Nowhere, too, was "boycotting" more ruthlessly carried out; evicted farms were left deserted, like accursed spots, over broad areas; the "grabber" did not dare to show his head; and in some districts the petty local tyrants of the League exercised absolute power. The landed gentry were subjected to all kinds of wrong; they tried in vain to maintain the struggle for their rights in many parts of this distracted region, and a kind of sullen despair and silent grief settled for months over the upper classes. The symptom of the time, however, that I chiefly noticed was the defiance of the law and of the administration of it which prevailed wherever the League was dominant. Several officials of the courts were in serious danger; more than one of the bailiffs and servants of my court were assaulted and wounded in the discharge of their duty; and for myself, I was often warned that I required the protection of a police escort. I cannot say, however, that I felt alarm, and I received no injury or even insult.

I may refer to two instances of the hostility to the law characteristic of Kerry in these years and afterwards. I describe the first in the words of my evidence before a Committee of the House of Lords on the state of the Irish jury system:—"I had occasion to dismiss a process-server of my court for refusing to serve processes. It was sworn by what I may call the prosecution, that a certain priest had

put him up and paid him not to serve these writs. I dismissed the process-server, and as a Christian clergyman was implicated, I said openly in court that though I had no jurisdiction over this gentleman, I would give him an opportunity of coming forward and explaining. He did come forward and explain. I told him the charge; I told him I thought it a serious thing that a clergyman of a Christian church should interfere with the administration of justice; and he denied the charge. I said, 'I am extremely glad to get your disclaimer, but I am sure that as we are both Christians you will recollect the precept, 'Render unto Cæsar the things that are Cæsar's.' He said, in the most outspoken manner, 'We will put down Cæsar.' Then I said, 'Well, that is rather a hard saying, but there is another text you will remember, 'Let every soul be subject to the higher powers;' and he said, 'We will pull down the higher powers;' and he said that openly in a court of justice. That which I heard last April is an instance, and I think a striking instance, of the widespread demoralisation which exists in the county."

Lord Lansdowne—he has large estates in Kerry—was the Chairman of the Committee in question; the late Lord Derby and Lord Penzance were members; and they could hardly be brought to believe this story. This, however, was an extreme instance of the attitude of the Irish priesthood in those days; they rather followed than led when they joined the Land League; they were swept into a current they

thought they could direct, and they had no part in its wicked excesses. The second instance was not less significant of the state of things in Kerry at this period. An aged peasant woman and her grown up daughter, a magnificent girl of about twenty, showing the Spanish blood abounding in the West of Ireland, were arraigned before me for an assault on a bailiff, and it was clearly proved that the female furies had fallen upon the unfortunate man—he was certainly more than seventy years old—had stripped him stark naked, and had flung him into a pit thick set with brambles, bushes, and stones, where, but for timely assistance, he must have perished. There was no denial of the charge and no defence, but the jury acquitted the accused without leaving the box, and a crowd in the court broke out into applause. I know what the modesty of Irish women is; I simply said, "The day will come when you will feel shame for all this;" and this, I doubt not, has been the case long ago. The girl might have been one of Murillo's models; she had the lustrous beauty of Andalusia, and yet she had become a Kerry *poissarde*.

The litigation in my court in Kerry was immense, and illustrated the turn of the minds of the people, ingenious, quarrelsome, delighting in law, and with little scruple or regard to truth, the character of the Celt in its least pleasing aspect. I pass by the ordinary civil causes, save that they abounded in fraud and chicane, and especially in all kinds of dishonest documents, they were not worthy of even a fleeting record.

I administered the recent Land Act in these years, though the greater part of the work connected with it was done by the Sub-Commissions, as they were called, of the chief Land Commission. As usually is the case throughout Ireland, the rents on the estates of the great landlords were seldom excessive or even high; they gave little proof of extortion or wrong. But a few of the old middlemen tenures survived—they had been disappearing since the famine everywhere—and the rents on these lands and on small estates here and there were certainly extravagant in some instances. I endeavoured, in carrying out the law, to secure the joint ownership the tenant had obtained from injury and encroachment of any kind, and I reduced the rents on well-managed estates from 15 to 20 per cent., allowing for the depression of the times and on ill-managed from 30 to 40. The process, however, of settling rents by a tribunal of the State, if perhaps inevitable, was, as had been foreseen, attended with many and serious evils. It was made at haphazard, and was very uncertain; satisfactory results were hardly possible; it promoted a cry for further reductions of rent; it perhaps increased ill-will between landlord and tenant. The provision, too, as to tenants' improvements, led to numerous abuses and frauds; landlords were persecuted and put to heavy costs by preposterous claims, running back for years, for exemptions from rent, often quite unjust, on account of what had been done on farms. In some instances, too, tenants wasted their lands in order to bring the

rents down; in others landlords suddenly stopped their expenditure and dismissed their farm labourers wholesale, and discontent and agricultural loss followed. The law, in a word, proved a dangerous remedy, fraught with grave mischiefs, if productive of good, and this has continued to be its character.

I tried a considerable number of cases under the Crimes Act of 1882, as it was named; but except one, they were of little importance. In that case, the proprietor of a local newspaper was charged with circulating a truly frightful document containing the expression "to Hell with the Queen," and uttering threats of death against "informers and tyrants." The main defence was that this wicked missive was printed in his office by two boys, who had set it in type without a copy; but a contrivance like this was, I thought, impossible. I sentenced the proprietor to imprisonment; I have never entertained a doubt but the conviction was just. Many years afterwards the case was referred to before the Special Commission as an example of the lawless state of Kerry at the time, and Sir James Hannen approved of the language I had used. The proprietor persisted in denying the charge, but expressed regret at comments he had made.

Whatever may be said by heated partisans, the Crimes Act was rightly administered—with firmness, indeed, but with a due regard to justice—and the worst forms of disorder were defeated by it. The extreme violence of the Land League ceased; the rule of open disorder was quelled by the Govern-

ment; crime in its more atrocious forms was greatly diminished. The movement, indeed, was not brought to an end; it continued to pervade large parts of the country; its organisation was not destroyed; it reappeared ere long in a somewhat changed character. But the terrorism which had prevailed in parts of Ireland was subdued and did not show its head; the law regained in a great degree its ascendency; the rights of property were asserted again with success; the League succumbed in its avowed conflict with the State. If, however, the condition of Ireland had improved, the agitation of the tempest still stirred the waves; the influences which had produced the late anarchic outbreak remained at work, if somewhat beneath the surface. Those who witnessed the reception given to the Prince and Princess of Wales in some of the southern provinces as late as 1885, a reception in many respects ominous, felt that disloyalty was still at its work, and that Ireland was not truly at peace.

I have dwelt for a moment on the Land League movement, for its essential nature has not been generally understood. Superficially, and in the form it assumed as it swept along in its destructive course, it was an agitation arising from the land, due in part to the pressure of sudden distress, in part to socialistic ideas abroad, in part to defects in land tenure, and it appeared to be in the main an agrarian outbreak; but it really was a rebellious conspiracy, hatched abroad, and supported from abroad by plotters against our

power in Ireland; and if its authors, true to the doctrines of Lalor, and indeed of other patriots of the kind before him, sought, and sought with success, to win to their side masses of peasants to whom they held up the prospect of a revolution in the land for their benefit, they had throughout an attack on England in view, and the destruction of our government in Ireland as their end. They aimed at Irish independence and separation, in a word, and they simply employed an agrarian revolt as a device in their policy. The movement has continued, and has been in a great degree transformed; it has lost its formidable and menacing strength; it is concealed under a constitutional form; its leaders have appealed, not in vain, to a great party in the State. But the leopard does not change its spots, or the Ethiopian his skin; it remains a conspiracy against Great Britain, all the more dangerous because masked; and if it now seeks to effect by deception what it once sought to effect by force, its real object is not the less to liberate Ireland from the Saxon yoke. Englishmen, it is to be hoped, will bear this in mind when they shall have to pronounce finally on the Irish policy for the present proposed by the Liberal Party.

CHAPTER XI

THE NATIONAL LEAGUE

THE first years that followed my promotion to the Bench formed, I think, the happiest period of my life. My fortune was sufficient for present wants; the prospect of things in Ireland was fair; my children were growing up around me in health; and if the kinsfolk and friends of early youth had disappeared, this was but the fulfilment of the law of Nature. We occupied in those days a very good house in Dublin, which I had known as a kind of haven after stormy passages across the Channel in school-boy times, and where I had often received a hearty welcome. But our summers were usually passed in villages nestling on either verge of the noble Bay of Dublin, and giving access to gentle and lovely scenery; and between good society and an ample store of books we fared better in winter than the Virgilian Troglodytes. One of my journeys to England interested me much. I visited several of our great public schools in order to find a place of education for my son, and I had a glimpse of a life I had not seen before. The magnificence of the new Charterhouse along the hills near Godalming, in Surrey, struck me greatly. Mr. Walter kindly took me over Wellington, of which Benson was then, as I

recollect, headmaster, and I devoted some hours to exploring Winchester. But family associations made me take most to Eton; the place had expanded far beyond the limits known to the old Etonians of another age, and I heard complaints from masters of the extravagance of the sons of the *nouveaux riches* of the day. But Eton is still true to her glorious traditions; if she has few bookworms, she produces scholars in every generation of the finest type, and she excels in the manly pastimes of youth. "Waterloo was won here" was the Duke's remark as he looked on the cricket-field of Eton. In everything that forms the complete man our public schools surpass all others, especially those of France and the Continent. I selected Clifton College for my son, an excellent foundation, full of the spirit of Arnold, and then in the hands of Dr. Percival, who has held Arnold's place for some time at Rugby.

By this time I had ceased to practice at the Bar, and my vacations were long while I remained in Louth. My contributions to literature increased. I wrote much for the *Times* in these years, especially on the events of the war of 1870–1, as these were disclosed in publications of the day, and my pen was busy in the *Edinburgh* and other reviews and magazines. I made a sketch, too, of the French revolutionary period from 1789 to 1815, which the Press treated extremely well. It was made for the "Epochs of History" Series, but the Editor thought it ill fitted for the young. I felt it was too brief and rapid, and it was published as an

independent work. I saw Mr. Delane, for the last time, in, I believe, the autumn of 1876; and though he still manfully clung to his post, I grieved to perceive that his health was failing. He retired, more than a year afterwards, from the office he had filled as Editor of the *Times* for considerably more than a third of a century, with the highest honour to himself and that great journal, and I was deeply moved by the farewell letter he wrote. He had become slightly irritable as his strength declined; he referred to his consciousness of this in touching language; and he wrote only too generously and with an excess of praise "that few men had worked so long and honourably" for him. He passed away towards the close of 1879. I mourned for him as one of the best of friends, and this feeling was shared by all members of his staff of the *Times*. I have glanced at his great qualities before; let me add that his name will long live as the master-spirit of the Newspaper Press, and he has left his mark on the history of his time, for few of the present generation could believe what immense influence Delane exercised in English, and even in European politics. But those only—and they were many in every relation and walk in life—who knew this remarkable man well, could appreciate, not only his genius in his work, his unrivalled judgment and acute intellect, but also his kindly and good heart, and truly genial nature. He possessed, too, in the very highest degree, the merit on which Polonius lays stress: "The friends he had, and their adoption

tried, he grappled them to his soul like hooks of steel;" and if he did not "dull his palm with entertainment of each new-hatched, unfledged comrade," he was true to the perfect confidence he only slowly gave.

I have not written for the *Times* since the retirement of Mr. Delane. I know little about the present Editor, the son of Mr. Buckle of Oriel, referred to before—I was glad to see him again some years ago—but I have kept up my acquaintance with Mr. Walter, and have been occasionally his guest at Bearwood. Owing to the exigencies, no doubt, of the journalism of this day, literature, I have said, does not hold the place in the *Times* it held when I contributed to it; but its few literary papers are now and then able. Its military articles have for some time borne the marks of the worship of German success—the creed of a school of small experts—and I have been amused at the dogmatism of writers in it, who talk about "the transformation of the art of war" by Moltke, "and cannot understand how his movements in 1866 can be questioned." There has been a reaction, however, from this bowing down to Fortune; and not long ago two elaborate papers appeared dealing on the mistakes made after Sedan by Moltke, mistakes indicated before in my lately published "Study." The *Times*, owing to the great development of the Provincial Newspaper Press, has not the authority it possessed thirty years ago, but in general ability it has not declined. Its leaders are as striking

and brilliant as of old; its foreign correspondence is of peculiar excellence.

In one respect the *Times* deserves the heartfelt thanks of all who uphold the cause of the Union, and believe that Home Rule, and what is involved in it, mean anarchy in Ireland, and a heavy blow to the Empire. The stand it has made on this great subject does it the highest honour; it has maintained its attitude with unfaltering steadiness; and its admirable exposition of the true nature of agitation in Ireland during the last fifteen years, and its denunciation of the Land League, and all that has grown out from it, have powerfully affected general opinion. We owe to it, too, the Special Commission. The immense sacrifices its proprietors made in the conduct of this prolonged inquiry are a noble instance of high public spirit; and if it fell into an error as to the famous forged letters, it did a great national service in bringing about the ever-memorable Report of the Judges. Partisans may idly shout the name of Pigott—this lately, indeed, was their silly shibboleth—and try to draw a trail across the scent; the significance of that damning sentence on "Parnellism and Crime," and what these words imply, is not lessened by poor devices of the kind. The Report, and the evidence on which it rests, show, as nothing else can possibly show, what is the real nature of the revolutionary movement which has disturbed Ireland since 1879, and what manner of men its leaders were; they tell the truth, and the whole truth; and, voluminous as

they are, they should be read by Englishmen who sincerely wish to do their duty to the State.

After an absence of upwards of twenty years, we returned to Gartnamona in the summer of 1880. The place had been let to a tenant who had failed, and I had the troubles about dilapidations and waste that usually occur in cases like these. I had continued to manage my own estate, and had visited it several times in each year during the period I was unable to reside, and I had a general knowledge of its state and its prospects. But the "master's eye" in its daily scrutiny acquired a more complete insight; and I was much struck by what I saw and felt around me. The bad agriculture of my early youth had disappeared; the potato had been largely replaced by the turnip; the fields were under a rotation of good crops; the cottar dwellings were nearly things of the past; the herds, and flocks, and other animals had been transformed; almost every farm had been enlarged; machinery had been generally introduced; the landscape was seldom puckered up by unsightly fences. If the houses of the farmers, too, were not what they ought to have been, the comfort of this class, and of their dependent labourers, had increased in an extraordinary degree; rags and signs of wretchedness were scarcely to be found; the appearance of the men and women had greatly improved; and the servility of old days in their bearing and manner had happily in some measure vanished. The moral aspect of things, however, was less pleasing; I noticed

signs of the alienation of class growing up everywhere for a long time; the Land League agitation had made progress; and the peasantry were not what they had been to our family. My wife and I had more than an enthusiastic welcome when we were "drawn home" on the day of our marriage; my mother's funeral was attended by a great mourning crowd when she was laid amidst the ruins of the abbey built by her ancestors. But our return to Gartnamona was not greeted by anything resembling a joyous acclaim; a rift in the lute had already been made; the people treated us with respect, but their hearts were cold.

Within a few months these signs of social disunion and want of sympathy became rapidly worse. The Land League spread through the King's County as elsewhere. It had numerous branches and public meetings, and the attitude of the peasantry grew dark and sullen. The county, too, was flooded with emissaries from the Far West, men of sinister and cruel aspect significantly known as "Parnell's Police." The missives of an incendiary Press were diffused, and outrages occurred in some districts. A plantation of my own was, indeed, burned, but this was perhaps not done of malice aforethought. I incline to think it was the result of an accident. The issue of the declaration against the payment of rent brought the elements of disorder to a head; and the payment of rent was generally refused for a time, with the usual accompaniments of lawless disturbance. The

movement, however, in the King's County, and, as I have said, in the better parts of Ireland, was different from what it was in Kerry and other backward districts. It was rather a protest against the act of the Government for imprisoning the chief men of the League, than a social rising caused by appeals to passion, that laid hold of distress and poverty; its power was slight, and it soon collapsed. For myself, I experienced little trouble. The Castle, indeed, sent a party of soldiers to guard an official it had heard was threatened; but I made no use of an escort I had not asked for, and I do not believe I was in the least danger. As to rents, I had given a reduction of rent when the depression of 1879 began. I offered a somewhat larger abatement, and after a few months had passed I was paid. I had, indeed, to go through the forms of eviction. For this I was denounced by Amazons of the League, sent abroad when its heroes had been shut up, and two or three of my tenants were threatened for words dropped in my favour. But I did not remove a single occupier from his home. I simply took possession of land for a time in order to make defaulters feel they could not put a crop on it; and I was successful in a conflict which had no reality. As I have said before, I have little doubt that the traditional sympathy felt for my grandfather was of use to me on this and other occasions; and perhaps the circumstance that I had lowered my rents many years before, and a few months previously, was not without a salutary effect.

While I was at home between my Sessions, I often watched the administration of the Land Act of 1881. The King's was never a rack-rented county, and rents were not largely cut down except in comparatively few cases. As for myself, I had my estate revalued, and knowing that some of my rents were too low, I applied to the courts for an increase of these, and in almost every instance they were raised. I would not have taken this course had the law allowed me to retain dominion over my own lands, and had not my tenants combined against me. They have had occasion to regret the Land League and its teaching. In other cases my rents were lowered, but not to any marked extent; and I had full opportunity to see the working of the Sub-Commissioners in carrying out the law. The gentlemen charged with the task took great pains, examined the lands with skill and care, showed intelligence in the valuation of farms, and acted, I am satisfied, in an impartial spirit. But, like every one who has had to do with the Act, they felt the extraordinary difficulty of settling rent according to a trustworthy standard, and, like myself, they were put out and harassed by absurd claims as to tenants' improvements. In this respect, however, I was tolerably safe. I had kept rather a full record of what had been done under this head, and in the case of a great landlord —a neighbour of my own—this record was so complete and exact that his tenants were altogether baffled. The Sub-Commissioners, perhaps, went wrong in one matter. I believe they did not take into

account, in adjusting my rents, injury done to the lands, deliberately, in order to work rents down; but I thought their decisions fair, on the whole, and I escaped from the ordeal all but scatheless. I was, however, put to much cost and annoyance. As the law now stands, all this will happen again at intervals of time by no means long; and in common, I suppose, with all Irish landlords, I felt it to be a real grievance that the State had taken my rental out of my hands, and that I had really almost ceased to own my estate.

The movement, meanwhile, set on foot by the Land League had been passing into another phase of trouble. The reign of terror, dominant in parts of Ireland, had been quelled, I have said, by the Crimes Act; and the worst signs of social disorder had largely disappeared in 1884–85. But the organisation of the League, we have seen, remained; its leaders, if changing, continued active; the conflagration, though quenched, left smouldering fires; the passions aroused by appeals to greed in a season of distress, burned beneath the surface. By this time Davitt and the extreme Fenian party had receded somewhat into the background; and Mr. Parnell, who had given proof of conspicuous skill in directing the movement, and had become, with his followers, a real power in Parliament, took the elements of disturbance into his artful hands. Another new departure in Irish revolution took place, the old name of Home Rule was employed to conceal the separation and the overthrow of our rule in Ire-

land, which were really sought, and somewhat vague appeals to the patriotism of true Irishmen, and ill-defined projects of agrarian changes, were substituted for the rebellious doctrines and the creed of avowed plunder that had been professed. The National League replaced the Land League; it gathered into its ranks thousands of the timid, the wavering, who had shrunk from anarchy and savage deeds of violence; it was joined by a multitude of the middle class in Ireland, and it had the general support of the Catholic priesthood, who had recently fallen away from the Land League. From the first moment it acquired very great influence, and it was held up in Ireland and England alike as an association that sought constitutional ends through lawful and even peaceable means. If the voice, however, was the voice of Jacob, the hands were really the hands of Esau; the movement had assumed a less dangerous look, but it was intended to promote the Land League's objects. The National League, doubtless, drew into its body numbers of people who had no evil designs, who had not disloyal treason at heart, and had only measures of reform in view; and these gave it a moderate and peaceable aspect—on the surface at least—which increased its authority. But the independence of Ireland was still the aim of its leaders, and they made use of the peasantry with this object, though less openly, and with more cunning, as they had made use of the peasantry before; and if the methods they pursued were less atrocious, they were,

at bottom, what they had been since 1879–80. Widespread disorder had been put down; agrarian crime had been greatly lessened; the law had asserted its superiority to a considerable extent. But violent harangues at public meetings were still made; a Jacobin press still spread its venom; resistance to Government and its ministers continued, if in a less active form; above all, the cruel, stealthy, but most potent system of "boycotting" was more than ever carried out. The organisation of the National League, that of the Land League, in fact, under another name, extending in its little bodies through many districts, made this detestable tyranny fearfully complete, and it enforced, by these means, very largely obedience. Under a superficial appearance of comparative peace there was thus a half-hidden social war; and as to professions of the National League chiefs, it is only necessary to remark that Mr. Parnell has openly avowed that a constitutional movement and a revolutionary movement should go hand in hand in Ireland, and that it was quite legitimate to deceive the House of Commons where he sat. The National League, too, was circumscribed within the same limits as its forerunner; it was confined to parts of Catholic Ireland; it was regarded by Protestant Ireland with abhorrence and dread.

One of the most wonderful changes known in our history soon occurred in Mr. Gladstone's Irish policy. He had, we have seen, condemned the petty Home Rule of Butt; he had employed the

severest "coercion" against the Land League; he had steadily opposed the National League; he had declared in 1885, before his Ministry fell, that the law against "boycotting" should be renewed and enforced. At the general election that ere long followed, he had called on the Liberal party to send him back to power strong enough to defy Irish votes and resistance; and though he dropped words about Irish self-government, he never hinted that he had a thought of Home Rule. The election, however, made Mr. Parnell master of a phalanx of more than eighty satellites, absolutely ruled by him in the House of Commons, and left Mr. Gladstone relatively weak; and, in an evil hour for England and himself, Mr. Gladstone became a convert to the faith in Home Rule he had long denounced as a pestilent heresy, an evil thing to be abjured in politics. Here again patriotism may have been his motive, but here again apparent interest concurred, as repeatedly has been seen in his conduct. Home Rule would give him the Parnellite band—the vote, in a word, of the National League; the Liberal party would follow his lead, and he would again become an all-powerful Minister. In a few months he introduced his first Home Rule Bill, to the astonishment of every statesman in Europe, and to the disgust of three-fourths of Englishmen; and it was accepted, to outward seeming, by Mr. Parnell and his men, though it has since transpired this was mainly deception. I shall briefly glance at this scheme afterwards; enough to say here, that it

so plainly tended to cut Ireland off from Great Britain, and that it imposed such burdens on the general taxpayer, that it was rejected summarily by the House of Commons. Mr. Gladstone, in fact, had reckoned without his host; his political meteorology had happily proved vain. The best men of the Liberal party, who, he thought, would humbly follow in his wake, refused to support a policy fraught with pernicious results to the three kingdoms, and formed the most significant, perhaps, and most potent element in the majority which threw his measure out. The country pronounced decisively against Home Rule at the general election of 1886, and Lord Salisbury's Administration came into power.

Within a few months after this event I ceased to be County Court Judge of Kerry. I had held an arduous office for more than eight years, and had borne a very weighty load of work, largely owing to the disturbances caused by the Land League. I had, besides, been obliged to say nay to the hospitality of the landed gentry—profuse when I first knew the county—I could not be their guest during an agrarian feud, and I felt much this want of social converse. But I was most vexed and harassed by unseemly wrangles which too often occurred in my court, and which gave me a great deal of pain. I had an able and experienced Clerk of the Crown and Peace, and I wish to express my sense of the great ability of many members of the local Bar of Kerry. But society was convulsed in the county; the ill-will

engendered by a war of classes appeared even in the conduct of legal matters, and two or three professional men sometimes made scenes which did no credit to the administration of the law and of justice. I had never been accustomed to behaviour like this, and very probably I was myself to blame for not having repressed it with more sternness. But I had repeatedly applied to be transferred elsewhere, and I was at last relieved from duties which had become distasteful. I was appointed Judge of Roscommon and Sligo—the counties in which I still preside—and in these, as in Louth, I can say with truth I have had no disputes at Sessions with the Bar.

The National League, meanwhile, was making its presence felt in Ireland in a new outbreak of trouble. The harvest of 1886 was not good; there was a sudden fall in the prices of farm produce, and the occasion was seized to make an attack on the Conservative Government that upheld the Union. The nature of the events that followed again revealed the aims of the leaders of the League, though its character had been, in part, changed, and it did not follow altogether the old methods. Mr. Parnell introduced a Bill into Parliament really directed against the Act of 1881, which would have failed to relieve the existing distress, and which, he knew, had no chance of passing; but when this was thrown out as a bad measure, an Act ere long became law which went a great deal further to meet the temporary needs of the Irish tenant farmer, and permanently to improve

his position. This policy, however, did not suit the chiefs of the League; the rejection of Mr. Parnell's Bill was made the occasion for a new movement against law, order, and British rule in Ireland. The Fenians in America again stirred; great meetings were held and large funds subscribed to maintain "the cause of Ireland" on her soil, and lieutenants of Mr. Parnell openly proclaimed that it had become necessary, and it was their purpose, to make government in Ireland, as affairs stood, "impossible." Revolution laid hold once more of agrarian troubles, and appealed to the peasantry to further its ends. The movement, however, was much less violent than that of 1879–84; it was planned not to shock opinion in England, and though it was really true to the old objects, it fell in with the alliance which was being formed between the Parnellite following and the defeated Rump of the Liberals still under Mr. Gladstone's standard.

The agricultural distress of the season was exaggerated in extreme language; large meetings were held in the Southern Provinces to denounce "landlordism" and its "accursed works;" the activity of a vitriolic press was quickened, and immense reductions of rent were demanded without regard to what had been done by the late Land Act. Meanwhile a conspiracy was formed against the landed gentry, and, through them, against the "Saxon" Government. Tenant farmers were enjoined to pay their rents into what was significantly called the "war chest," in the hands of the local

agencies of the League; the slightest disobedience to this mandate was to be visited by the terrors "of the unwritten law," and in this way the reign of disorder was to acquire strength again. "The Plan of Campaign," a well-known name, was thus established in several counties, and a vigorous effort was persistently made, under the cloak of an agrarian rising, to promote lawlessness and to combine angry social forces against authority. The scheme to a certain extent was successful; centres of disturbance were formed in some districts; the law and its administration was here and there paralysed; juries, as before, refused to convict, in many instances, on the clearest proof of guilt; and there was a considerable increase of anarchy and crime. The power of the League, and of its evil ministers, was, however, chiefly displayed in the renewed prevalence of "boycotting" on a great scale. . This barbarous manifestation of unlawful force became distinctly more than ever frequent, and, like the pestilence that walks in darkness, it held some districts under a sense of ever-present danger. This secret and wicked means of oppression was made, indeed, the chief weapon of the League, for it was not often attended with deeds of blood—these had become "unnecessary," Mr. Parnell had said—and its influence was in places immense. But the movement, threatening as it was, was, I have said, much weaker than that of previous years; it was a veiled plot, not declared war; it did not enlist great masses of peasants to its side; it probably indicated that the forces of revolu-

tionary anarchy were on the wane. Like its predecessor, it never extended beyond a clearly defined area, and it was really potent in three or four counties only.

Parliament enacted a statute that proved sufficient to cope with the difficulties of the new crisis. The law was obstructed and denounced as "coercion" by Mr. Gladstone and ex-Ministers, responsible for the Act of 1882—unscrupulous tergiversation perhaps unequalled—but it was a mere trifle compared to that tremendous measure. Constitutional rights were not assailed, not a single new offence was created, but the cognisance of the "Plan of Campaign" and of similar plots, and of "boycotting" in its different forms, was withdrawn from juries, who would not do their duty, and given to paid magistrates, subject to appeal to the County Court Judges within their districts. I tried a certain number of these appeals, of little importance in most instances. The course I adopted attracted a good deal of notice. I confirmed the decisions of the inferior courts in almost every case, but in several I mitigated the sentences pronounced. The distinction I drew was, that when the offence was in any sense of a political nature, and did not injure particular persons, the penalty should as a rule be light; but I punished "boycotting" as severely as I could, and acts and speeches tending to breaches of the peace, or that held individuals up to popular vengeance. These decisions were much debated at the time—I have heard they were not liked at the Castle—but I am convinced they

were right in principle, and my independence as a judge made me free to act, essential, I have said, to doing justice in Ireland. I repeat, however, the magistrates formed sound conclusions on the main questions at issue, with the rarest exceptions; these inquiries, in truth, were not intricate, and did not involve grave issues of law or of fact. To those acquainted with the subject, the clamour raised against the "suspension of constitutional rights in Ireland," simply prove that partisanship could go no further.

The period of trouble caused by this new conflict came to an end after about eighteen months. Unlike Mr. Gladstone, never firm in this matter, Mr. Balfour was felt to be in earnest, and the forces of disorder were easily put down, as they have been over and over again in Ireland, when taken in hand by a real man of action. Mr. Gladstone and his colleagues did all that in them lay to embarrass the Government, and to prevent the triumph of order and law in Ireland. Reckless, it would appear, of what was thought about them by those who knew the events of the immediate past, they flamed out against the administration of Irish affairs; condemned efforts to resist the League as tyranny; supported the League as a patriotic agency; excused in plausible words all kinds of lawlessness, especially the detestable crime of "boycotting;" and held up many public functionaries to contempt. In their eagerness to further their new Home Rule policy, and ignorant probably of the real facts of the case, they practically set themselves on

the side of a movement against our rule in Ireland; and abandoning every tradition of British statesmen, they encouraged social disorder and anarchy. They found in the ranks of the degraded Liberal Party a sufficient following to afford them active assistance. English members of Parliament, and ambitious seekers for notoriety or future favours, appeared at meetings of the National League, and took part in denouncing evictions, rendered necessary by the "Plan of Campaign;" and a crowd of sympathisers, male and female —the fair sex made itself conspicuous—flocked across the Channel to preach an Irish crusade in the sole interests of Gladstonian faction.

All this was not lost on the very able man who had directed the Parliamentary forces in Ireland for many years with a boldness and a dexterity that almost approached genius. The real power of the movement had, we have seen, become less formidable than it once was; but the National League had probably more adherents, especially among the "respectable classes," than its prototype the Land League possessed; and since the introduction of the Home Rule policy English Liberalism had been in close relations with it—at least, with its Parliamentary leaders. Mr. Parnell, an absolute dictator in the affairs of his party, saw in the recent attitude of Mr. Gladstone, and of the politicians in that statesman's train, an opportunity to promote his designs in Ireland, and to further the cause of separation and of independence of our rule, which he kept steadily throughout in view; and he

resolved to complete the alliance with the Gladstonian following, to which things had been slowly tending. The course he adopted was significant of his own astuteness, and of the want of insight of the partisans of Home Rule in England. He endeavoured to strengthen the National League, especially in its higher ranks; to attract Protestants into its sphere; to rally to it, if possible, every class in Ireland; to make it represent moderate Irish opinion; and he actually condemned the late display of lawlessness; threw cold water on the "Plan of Campaign;" and announced that his object was to obtain a measure of Irish self-government that would do justice to all orders of men in the Irish community. At the same time he made overtures to Mr. Gladstone for a second Home Rule Bill at the proper moment, and he consummated that "Union of Hearts" with English Liberalism which Irish disloyalty has turned to account ever since. His success in Ireland with the classes he sought to conciliate was hopeless, because they knew him well; but Mr. Gladstone and those who acted with him were deceived. They were evidently convinced that he was a moderate man, seeking a moderate reform in Irish affairs, and they welcomed him as an Irish patriot and a true friend of England. Unquestionably, however, at this very time he was artfully pursuing his real ends; and it deserves special notice that he never attempted, in the proceedings before the Commission at the same period, to explain away what had taken place during the

ascendency of the Land League in Ireland; indeed, he appears to have approved of it.

I was enabled to devote more time to letters after I had been placed in my present judicial office. I wrote in reviews I had not written in before; and I have contributed largely to the *Academy*, a journal of growing merit and repute. But I desired, before I ceased to hold a pen, to write something at length on the great subjects of the history of war, which I had long studied, and on some of which I had pondered from boyhood. Though a collection of magazine papers only, my "Great Commanders," already referred to, attracted the attention of good judges; and I was invited to make a sketch of Napoleon's career for the "Heroes Series" of Messrs. Putnams. The work, though short, is, I think, a just description of the exploits and character of the greatest warrior and of one of the greatest rulers of the modern world. I have tried to place Napoleon before the reader as his figure stands in the calm light of history, beyond the reach of detraction and flattery; and I have attempted to reproduce the genius of an age of wonders of which he was the leading and directing spirit. The volume did not fall in with national prejudice, especially in my account of the campaign of 1815, and yet it was most favourably received in England, and its success in America has been very great. It would ill become me to dwell on these comments. The one which gratified me most was contained in a journal which pointed out that my views on Napoleon's projects of

a descent on England in 1804–5, and on the nature and working of the Continental system, coincided with those of Captain Mahan in his admirable second work on "Sea Power," published just after I had completed my sketch. I may say, in passing, that I have since made the acquaintance of that eminent man, certainly the first living writer on naval warfare.

My "Napoleon" was followed by the "Study on Moltke," to which I have alluded before. I had studied the career of the Prussian leader for years, and had long formed the conclusion that great as they were, his achievements in war, due, in the main, to the overwhelming superiority of the armies he led, had been far too highly extolled in England; and I was convinced that no English writer had done justice to the astonishing efforts—more nearly successful than has been commonly supposed—made by France after Sedan to resist her invaders. My volume was written from this point of view, and it has done also, I believe, very well; I have corrected it, at least, for a second edition. It sets forth Moltke's great organising gifts, his assiduous industry, and his admirable skill and forethought in preparing the German army for war—his real title to permanent renown; and it places him among distinguished warriors, though not in the very first rank of these. But it dwells at some length on what, I believe, were his questionable movements in Bohemia, to be excused only, if at all, on grounds not taken by his undiscerning flatterers; and it comments on the mistakes he made before and after Sedan,

which have been gradually brought into prominence in works, some published, I have said, since I wrote. But, as I intended, I have laid most stress on the extraordinary national rising of France when she seemed under the heel of her conquerors, and I think my sketch of this, and of the great deeds of Chanzy —the real hero of this part of the war—is conceived in the true historical spirit. The work has been carped at by idolaters of success, and by soldiers, possibly Hotspurs in the field, yet certainly Warts and Feebles at the pen; but competent critics have praised it highly, indeed, in my judgment, beyond its merits.

While I was engaged in these works a sudden turn had taken place in Irish affairs of extreme and perhaps of lasting importance. Mr. Parnell was condemned in the Divorce Court; Nonconformist England pronounced against him; Mr. Gladstone instantly threw him over; and a majority of his followers, already probably chafing at his unchecked and imperious rule, fell away and deposed the "Uncrowned King." The leaders of the National League and of Irish disorder split quickly into discordant factions that have since been tearing each other to pieces; Mr. Parnell, basely abandoned, died soon afterwards; and these events have greatly diminished, and perhaps for ever, the power of the Irish revolutionary movement. Yet this probably strengthened, at least for a time, the cause of Home Rule as it appeared in England, and as it was presented by the Gladstonian party. The danger of Home Rule seemed to many

past; the satellites of Mr. Parnell became for the most part submissive adherents of Mr. Gladstone; English Liberalism had, it was thought, absorbed forces in Ireland that had been long menacing; and the policy of Home Rule was deemed safe by thousands of Englishmen ignorant of the facts of the case. This mystification was made more complete by the wirepullers of the new Democracy, a strange and formidable agency in British politics. The wolves were tricked out in sheep's clothing; leaders of the Land and National Leagues, branded by the Report of the Special Commission, or projectors of the "Plan of Campaign," appeared on dozens of British platforms and announced in dulcet language that the Irish people had joined hands with Democratic England; that they only sought the same rights as Englishmen; that Home Rule simply meant the self-government enjoyed by our great towns and counties. Their sweet voices were echoed by Liberal shouters denouncing "Balfour," "coercion," and "landlord cruelties," hailing, in the name of England, Ireland's "message of peace" and rapt in a vision of Irish loyalty, bursting forth from a soil blessed at last with "freedom." This "higgledy-piggledy fiddledum-diddledum," as Canning called the like, had no effect on the great body of men of sense and knowledge, but the multitude was very largely gulled.

In these circumstances the last General Election was held. England declared for the Union; but her voice was not as decisive as six years before, and a majority

drawn from Ireland, Scotland, and Wales, and pledged to Home Rule, was returned to Parliament. The country as a whole was divided in mind. Mr. Gladstone passionately advocated the "cause of Ireland;" he gave the weight of his great authority, but in the true spirit of a reckless demagogue, to appeals to the "masses against the classes;" the question of maintaining our imperial unity, and of keeping Ireland under British rule, was identified with resistance to popular progress, and with aristocratic and privileged government; and the grave issue of Home Rule was obscured by Liberal promises, extravagant, hopeless, and unreal, that more or less misled an easily duped electorate. This unscrupulous policy, hitherto unknown in the more honest and stand up conflicts of British politics, succeeded to a certain extent. Lord Salisbury's ministry was displaced, and Mr. Gladstone returned to office with a majority indeed, but a majority opposed by probably five-sixths of the intelligence and property of the three kingdoms. The minister, however, fierce in his new-born zeal, brought in his second Home Rule Bill, though England, he well knew, was against him, and though he depended wholly on the very men from whom only a few years before he had entreated the Liberal party to save him. I shall comment on this measure also afterwards; enough to say here that as regards Ireland it was as mischievous as that of 1886, and that as regards the Empire and British interests it was infinitely worse in almost every respect. It was dragged through the House of

Commons by methods never tried before in our Parliamentary history; but it was so mangled in the process, and so disgraced in the eyes even of its own supporters, that its author doubtless was ashamed of it. The Bill, scotched already, was killed in the House of Lords, and such a deformed abortion will not again see the light. The result was welcome to all Englishmen capable of serious thought, and it did not provoke a murmur of complaint in Ireland—a fact to be borne in mind when it is said that Ireland has her heart passionately set on Home Rule.

Another new departure had meanwhile been witnessed in the agitation of many years in Ireland. The adherents of Mr. Parnell and his recreant followers flew at each other's throats at the Election of 1892, and the country rang with the sound of a squalid conflict. The Catholic Church, however—its head had condemned the "Plan of Campaign" and "boycotting" in stern language—and its clergy backed Mr. Parnell's enemies; they were supported by all that was weak, moderate, and "respectable" in the League's followers, and by a priest-ridden and easily led peasantry, and the Parnellite party was as completely routed as the Young Ireland party of half a century before. The Parnellites represent the elements of force and revolution at one time dominant, but they have been reduced to a handful of men, and for the moment their power has been well-nigh broken. The Anti-Parnellites meantime have kept steadily in line with the Gladstonian Liberals; a compact has been evidently made

between them, like that of O'Connell and the Whigs of 1836–40. The question of Home Rule has been for the present hung up, and in consideration of sops thrown to prominent followers, and of measures savouring of spoliation and wrong, directed against the Irish landed gentry, lay and clerical chiefs of the National League have agreed to make things in Ireland pleasant for a Government that exists at their bidding.

The compromise has for the time been successful; the powers of lawlessness embodied in the Anti-Parnellite band, and the powers of law established at Dublin Castle, have formed an alliance for mutual support; and the mass of Irish disturbing forces wears now a peaceable and constitutional aspect. Tranquillity has prevailed for some months in Ireland, if secured by the most questionable means; and the community is, in appearance, in repose. The organisation of the League, however, has not been dissolved, and several of its leaders openly boast—in curious contradiction to their speeches in England—that the "unwritten law" will again be enforced, and disorder in Ireland will be renewed, should Home Rule be permanently refused, and a Unionist Government be restored to power. The electric currents are still in the sky, and all that can positively be said is that the thunder clouds that have burst over Ireland have been dissipated for a time. There are signs, nevertheless, that a better day is at hand. The Fenian party in America stands aloof from Ireland, and has ceased to lavish its subsidies in her "cause." Davitt, the first

projector of the Land League, has sunk into a kind of meek Democrat; and the peasantry seem to have begun to think that they have been to a considerable extent made dupes, and that agitation can obtain nothing more for them. We may be approaching a period when wisdom and justice, embodied in legislation and good government, may be able to deal with the Irish question.

During these years I have followed the pursuits which have engaged the greatest part of my active life. I find the duties of my present office a pleasure. I have excellent subordinates, and an efficient and friendly Bar; and, since the country has been at peace, I can visit once more the gentry on circuit with a clear conscience. My pen in vacation is still busy; but my generation in letters is passing away. I am comparatively unknown to a new race of editors. I farm a few fields of my ancestral domain; have restored plantations and improved the landscape; and have successfully enclosed my "Thormanby Waste," a bog derelict since the famine. Since the National League has become quiescent, the traditional goodwill of the people around to the old race of Offaly has revived. I often give them friendly advice. I hope I am thought a just and kind landlord. To compare the little to the great, I lead the sort of life led by Montesquieu at La Brède. I write, study, preside in my court, and settle disputes between my peasant neighbours. Our time at Gartnamona flows on happily, broken only by passing visits to England,

where I love to observe a state of society wholly different from what is found in Ireland, yet presenting perplexing, perhaps ominous symptoms. Old age, if attended with some cares and troubles, has come on me slowly and without pain; and if we have done any good to the humbler classes around us, this has been largely the work of my wife and children. Now and then I revisit the Four Courts and their scenes, and rejoice to observe that a new generation of judges and lawyers—I may note the names of Lord-Justice Barry and Lord-Justice Fitzgibbon, of Andrews, Johnson, Madden, Macdermott, Atkinson, Maclaughlin, Price, Carson, Piers White, and others—is worthy of the best days of the Irish Bench and Bar. I have also, at Lord Wolseley's request, contributed lectures to a society which discusses military subjects of all kinds; I have to thank its members for a kindly welcome. The space of time left to me cannot now be long; I hope to tread it with an even step before I reach the inevitable bourne.

CHAPTER XII

THE QUESTION OF THE UNION

I MAKE no pretence to the "prophetic strain," the result, Milton tells us, of "old experience." But I may close these reminiscences with a few reflections on the course of the events and on their many changes which it has been my fortune to witness in life. My knowledge of England, and of what is meant by the name, is too imperfect to give the slightest value to anything I could write on the subject; I pass from it with a mere glance at the surface. It is obvious, however, that in the last seventy years the position of England, abroad and at home, her political state and her social condition, have been so transformed, that they could be hardly understood by the generation of the first years of this century. England is no longer the first of European Powers, supreme after the fall of Napoleon, as she was in the days of my early boyhood; she will not again be the head of a League of States to fight another Blenheim and another Waterloo. But her Empire has been immensely enlarged; her infant colonies have expanded into great flourishing and free nations; the rich elements of her power at sea—the real sources of her strength—have increased, not lessened. In her internal affairs

she has passed through a revolution, gradual but complete; the aristocratic State of Castlereagh and Canning has become the Democracy of Mr. Gladstone; and if the sovereign and the nobility have still immense influence, they have lost much of their former power, and the forces in our Constitution have enormously changed, with consequences not to be foreseen or guessed at. The material wealth of England has made a prodigious growth; the London of the present day and other gigantic towns have expanded into centres of commerce doubled and trebled in size, within living memory; and many trades and industries have made wonderful progress. In some respect, too, the nation gives proof of distinct moral and social improvement; the Church has far more energy than in the Georgian era; education has been magnificently diffused; there is more philanthropy and active charity; more sympathy, perhaps, with the suffering and poor. On the other hand, ominous symptoms are not wanting in the state of agriculture and landed relations, in wars of classes seen in repeated strikes, in the ostentation of new wealth, in frivolous luxury in high places, in steep differences in the grades of society becoming probably every year steeper. Not the least evil of these symptoms, perhaps, is a sentimentalism and a weak levity in what is called opinion, that seems tending towards the socialistic follies of France before the great Revolution.

I turn from England, a mere passing sojourner, to

Ireland, where I have been a dweller in the land. The condition of Ireland in my time has been one of many misfortunes and troubles, and yet of slow but apparent progress. Legislation for Ireland has been now and then mistaken; Irish administration has shown many defects; Irish reforms have been sometimes too late; opinion in England has been not in accord, over and over again, with Irish thought and sympathies. Yet Ireland has distinctly advanced, and the dark clouds around her show a silver lining. The blight of Protestant ascendency has been removed; the whole community is equal before the law; the Church of a caste has been disestablished, not wisely, indeed, but not the less completely. In the most important of Irish social relations, that between the owner and the occupier of the soil, a vicious system of tenure has been replaced by one favourable in the extreme to the cultivators of the land; and if the landed gentry have been treated harshly, the peasantry enjoy advantages not possessed by the peasantry in any other part of Europe. The material improvement of Ireland has been immense; this has been partly caused, no doubt, by the events of 1846–7; but it must also be in part ascribed to a better and more enlightened method of government, and to the energies of commerce set free. Most of the positive grievances of the past have disappeared; and though a few survive, all statesmen and parties wish to deal with them in a generous spirit, and certainly they will not long continue. The unhappy

divisions of race and faith and the class hatreds of Ireland still exist; but Parliament and the Imperial Government have greatly lessened their worst effects, and there are signs in this respect of a change for the better. England has won over and made thoroughly loyal whole sections of the Irish community which formerly stood aloof from her. Protestant Ulster, half rebellious before 1798, has become passionately attached to our rule; the upper and a part of the middle class of Catholic Ireland, once our enemy, is devoted now to the British connection. If a considerable part of Catholic Ireland unfortunately is still hostile to us, and remains a source of disorder and trouble, its power of doing mischief has been greatly reduced; and as the causes of this attitude are easily ascertained, there is no reason to doubt they can be allayed. Some of the old ills of Ireland assuredly remain; some Irish reforms are still needed; but England has stayed the plague of Irish warring factions; she has made the most vigorous and progressive parts of the Irish community one in heart with her; she has secured to a poor and distracted country some measure of prosperity and peace at least.

This condition of things has developed itself under the system of Parliamentary and Imperial Government established by the Union nearly a century ago. It is scarcely necessary to say how all our leading statesmen have insisted, until, as it were, yesterday, on steadfastly upholding this great settlement in the

interests of Great Britain and Ireland alike. Pitt risked and lost much in the cause of the Union; Canning compared the repeal of this fundamental law to the restoration of the old Saxon Heptarchy. Peel declared that he would prefer civil war to yielding to O'Connell in 1843; Macaulay said the same thing in a magnificent speech. The Union, in the eyes of Grey, of Russell, of Palmerston, of the Duke of Wellington, was an essential part of the Constitution of these realms. It deserves notice, too, that even in Ireland the chief opponents of the Union became its friends; Grattan and Plunket were Unionists before they died; the same change, it has been said, passed over O'Connell. As to Mr. Gladstone, he denounced attempts to tamper with the Union in furious words of rhetoric; and he was approaching his eightieth year when he adopted Home Rule, after more than a half century of public life, when he had never before pronounced for it, and when his conversion seemed for his party interests. The presumption, therefore, that the Union has at least tended to whatever progress Ireland has made—I leave aside the British point of view for the present—is well-nigh of irresistible force; I can conceive of no argument that should prevail against it. And it is necessary here, in order to understand the case, to notice and to explode a fallacy much in use with those who now denounce the Union. They say, and say with truth, that the improvement of Ireland has not been so rapid since Pitt's great measure

as Pitt doubtless expected himself, and on these grounds they think it self-condemned. But have they reflected, do they even know what the state of Ireland was under her old Parliament, and when she was made one with Great Britain in 1800–1? The country was a wreck of a savage civil war; vast parts of it were in a barbarous state; and every one of the ills from which it has suffered—Protestant ascendency, the divisions of race and creed, injustice and distress in landed relations, disloyalty and fierce discords of class, nay, even the growth of a population too large for the soil—were considerably worse than they have been for years. The progress of Ireland has been marked if we look from the present back to the first part of the century; and if it has been less marked than it ought to have been, this has not mainly been due to the Union.

The settlement, however, effected by Pitt, must, it is now asserted, be almost wholly changed. England is to abandon her existing rule in Ireland; to resign essential parts of her Imperial power; to make Ireland a separate state; to give her a separate Parliament, and a government of her own. I have noticed how it happened that Mr. Gladstone suddenly made Home Rule an article of faith, and committed the mass of his followers to a revolutionary course; and I shall not repeat what I have said on this before. Nor can I dwell on the numberless arguments successfully urged against a fatal policy; a single argument seems

to me conclusive. "Ireland," Mr. Parnell has said, "is a nation;" "Ireland," Mr. Gladstone chimes in, has "a right to satisfy her national aspirations and hopes;" and on these grounds there must be an Irish Parliament, and an Irish executive dependent on it. But Ireland is in no sense "a nation;" Ireland has no "national aspirations and hopes," as every real student of history knows; and the assumption, therefore, completely fails, on which the demand for Home Rule is preferred. Ireland, no doubt, might have become "a nation" had she been allowed to work out her destiny; but the march of events prevented this; and the elements which make up the Irish community have nothing akin to a "national" character. Apart from a small upper and middle class, Catholic Ireland is the present embodiment of the old conquered Celtic tribes and clans spread over the southern provinces, and in a part of the north, for the most part, as occupiers of the soil. The Plantation Counties of Ulster are Scotch colonies, Teutonic in blood, and in faith Protestant; the remains of other colonies of the same race and creed are to be found in every part of the country; and the immense majority of the landed gentry are Protestants, of English and Scotch descent. These people and classes are divided by lines of demarcation that nothing has as yet effaced; if locally united, they stand morally apart; profound dissensions exist between them; in sympathies, in memories, in ideas they are opposed; they form not one, but many

hostile Irelands. How can such discordant aggregates be called a "nation," presupposing as this does a truly national life, a unity in general aims and ideals, some kind of harmony in the component parts of the state, something different from a multitudinous strife? And how is Parliamentary government to take root and flourish in a community of this peculiar kind—Parliamentary government, which, above all things, requires profound reverence for established usage and law, the spirit of self-restraint and compromise, the rivalry of parties, but not the war of factions? The middle class in Ireland, it should be added, is not numerous, and is extremely weak; and an element, almost necessary to form a nation and to make the Parliamentary system safe, is, except in parts of Ulster, very largely wanting.

The absence, however, of anything like nationality, in the true sense, in Ireland, is but a branch of the case against Home Rule, resting on the state of the Irish community. The greatest part of Catholic Ireland, no doubt, asks through its leaders—chiefs of the National League—for a separate Parliament, and all that this signifies, if the demand is not very strongly urged, and has obviously been made for ulterior objects. But Protestant Ulster, and the Protestant bodies to be found in every part of the country, and the whole class of the owners of the land, without reference to distinction of creed, regard a measure of this kind with horror; they have raised no uncertain voice against it; they identify it with the

worst kind of tyranny, and with wholesale spoliation and wrong. A majority, therefore, of mere numbers, but a majority not of the better sort of men, priest-ridden, and easily led by demagogues, whose conduct recent events have disclosed, is vehemently opposed, on this question, by the great mass of all that is most progressive and intelligent in the Irish people, and especially by the weight of its landed property; and this antagonism is intense and enduring. To concede Home Rule, or any measure of the kind, to a community divided on this very subject by the fiercest animosity and ill-will, would be simply to aggravate existing discords to a degree terrible even to think of; and I defy any one to show that such an experiment has ever been made with an approach to success. Can history afford a single instance in which a Pandora box of new and grave evils has been given to an already distracted country and anything but mischief has been the consequence?

The whole case assumes even a worse aspect if we pass from Ireland to British and Imperial interests. It would be untrue to allege that the principal part of Catholic Ireland is our active foe; but it has risen repeatedly against British rule; large sections of it can even now be made hostile to our law and government, as has been proved by the events of yesterday; it has never been one with England in heart and sympathy. On the other hand, the other parts of the Irish community are the firmest supporters of our

rule in Ireland, and the staunchest friends of the British connection; and these now include the Catholic landed gentry, and a division of the middle class of Catholics. In this position of affairs, is it not sheer folly, from the British point of view, to concede Home Rule—that is, to forego part of our sovereign rights in Ireland, to abandon practically our existing rule, and to make Ireland a distinct state, with a separate Parliament and a separate Government? Is England to reduce her strength where it is already weak, to lessen her authority where it is even now precarious, to restrict a dominion she has tried for ages to extend? This diminution of her power would be a certain loss; is there a reasonable chance that it would be an ultimate gain? Home Rule means, from the nature of the case, that the mass of Catholic Ireland, still unfriendly to us, shall be suddenly placed in a new position, in which it will be supreme in the country. Is a dangerous and hostile ascendency like this the true means to secure our influence? Is it not far more probable that it would create a hostile state on our very borders, than that it would make Ireland a loyal part of the Empire? The shameful baseness, too, of a surrender like this—as when decaying Rome abandoned her still faithful provinces—would necessarily have the worst results for England. By a measure of Home Rule, she would by her own act, and for her own purposes, make Ireland the scene of a complete revolution; she would enable the chief part of Catholic Ireland to oppress all

other parts of the Irish community, and, in fact, to turn everything upside down, for a separate Irish Parliament involves all this; and she would simply betray her best friends in Ireland, for those who had been for ages their foes and her own. What fatal consequences might attend such treachery as this, it is difficult to conceive, or even imagine.

For these, and many other decisive reasons, successive generations of our best statesmen have resolved at all hazards to preserve the Union. Mr. Gladstone, however, having flung aside established maxims of British policy, to which he had held through a long life, brought in his first Home Rule Bill, as I have said, in 1886. I can only glance at this revolutionary scheme, which barely struggled into a brief existence. A Parliament for Ireland was created, forming two orders, the first supposed, to a certain extent, to represent property, and elected by voters with some means; the second nearly twofold the first in numbers, and elected by a purely popular vote—that is, over far the greatest part of Ireland, by peasant masses which, in several counties, had been thralls of the National League, and in most were ruled by the Catholic priesthood. The first order had little power to resist the second; and ere long it could easily be overborne by it, so that the will of the new Irish "nation" could be effectually carried out by the second order, the instrument of an electorate such as I have described. The supremacy of the Imperial Parliament was not asserted in positive terms; but

undoubtedly it was implied in theory, illusory as this might be in fact; and the Irish Parliament was not permitted to deal with some matters of Imperial concern, and with others of a domestic kind, assuming that it would hold a paper constitution in respect. Subject, however, to limitations like these, the Irish Parliament had absolute power to make and repeal laws of any kind for Ireland; and, in accordance with Parliamentary usage, it could set up an Irish Executive Government, this administering all high civil affairs, including the administration of law and justice. A veto was given to the Lord Lieutenant, analogous to the royal veto, a mere nullity for two centuries, and power was taken to cancel enactments made in excess of the rights of the Irish Parliament; but, with these exceptions, that Parliament was to be the virtual ruler of Ireland, to all intents and purposes. Ireland was to pay about four millions a year to Great Britain; but she was to send no members to the Imperial Parliament, and taxation and representation were to be divorced, a principle obviously of the gravest danger. A supplementary measure, lastly, provided that the British taxpayer was to contribute an enormous sum, capable of being increased to perhaps two hundred millions, in order to buy out Irish landlords, whose position, it was admitted, would be critical in the extreme.

Mr. Gladstone strained his immense influence—due far less to natural genius than to his being in accord with certain tendencies of his time—to drag this pre-

posterous measure through the House of Commons. But the flower of the Liberal party had already fallen away; not twenty English members, John Bright said, approved of the Home Rule Bill at heart, and the common sense of Englishmen revolted against it. It was seen at once that setting up an Irish Parliament, the creation of a huge popular vote, meant the establishing practically in supreme authority of the Celtic and Catholic Irish masses, and of their lay and sacerdotal heads; the degradation and subjection of our friends in Ireland; and the weakening, and perhaps the extinction, of our power in the country, especially in the event of foreign war and trouble. It was seen that the Irish Parliament could break through or evade the limitations imposed on it, these, too, being rather vexatious than of real value; and that the effectual control of the Imperial Parliament over Irish affairs had been made a nullity. It was seen that the Irish Parliament and its Executive were given extravagant and dangerous powers; that they could, and probably would, abuse these in oppressing and harassing the loyal Irish classes, and above all in despoiling the Irish landed gentry; that they would seek to extort further concessions from England; and that, true to the policy of the Land and National Leagues, they would struggle to free Ireland from the yoke of the Saxon, and to make her an independent and hostile state. For Ireland, tyranny; peril, and shame, for England were, in a word, the features of the scheme; and it was plainly seen that

the Lord Lieutenant's veto, and similar safeguards, were mere shams; particularly as the Bill, when studied, showed that Mr. Gladstone distrusted his Irish allies. The House of Commons, however, was perhaps chiefly moved by the proposals to tax Ireland, and, at the same time, to shut her representatives out of the Imperial Parliament, and by the plan of mulcting Great Britain in untold millions—equal to the ransom, perhaps, paid by France to Germany—in order to expropriate Irish landlords; for the first was unconstitutional in the highest degree, and urged Ireland to rise and separate from us, and the second was gross and useless injustice. The Bill perished in a few weeks; and it was scouted, I have said, at the election that followed.

I have noticed the causes that made the prospects of Home Rule improve during the next few years. The power of the National League seemed broken after what was known as the "Parnellite split;" the danger of an Irish Parliament was thought lessened; the Union was associated by Mr. Gladstone with the domination of class and aristocratic privilege; Home Rule, it was said, meant Democratic progress. Mr. Gladstone's second measure appeared in 1893; I have remarked that it was worse for Ireland than that of 1886, and infinitely worse as it affected England. An Irish Parliament was again formed, and an Irish Executive to give effect to its will; but the Parliament was greatly reduced in members, and it was composed of two chambers, not of separate

orders. The first chamber, like the first order, was put forward as a check on the second, but it was certainly weaker than the first order; and it was utterly powerless against the second chamber, representing, as this would, Celtic and Catholic Ireland by a majority of members that could defy resistance. The supremacy of the Imperial Parliament was more clearly set forth than in the Bill of 1886, but it was still a supremacy in the abstract only; and the limitations placed on the Irish Parliament, the veto and other securities of the kind, and the authority given to the Irish Parliament, made sovereign in Ireland in truth and effect, were nearly the same as in the first measure. The financial arrangements required a less sum from Ireland than the Bill of 1886, about two millions and a half against four millions, and that this sum would be made forthcoming was plainly very doubtful. In one essential feature of supreme importance the Bill of 1893 differed from its predecessors; and this made it a wholly different scheme. Mr. Gladstone, as usual, bowed to opinion; the exclusion of the Irish members was given up, and the great majority of these members were to be retained in the Imperial Parliament, and to have votes in it, though Ireland was to have a Parliament of her own, and Great Britain was to have no part in it! a plan condemned by Mr. Gladstone seven years before as practically impossible and thoroughly unjust. The question of the Irish land was also deferred, to be abandoned probably to the Irish

Parliament; though Mr. Gladstone had announced in 1886 that it was necessary, nay, an obligation of honour, to provide funds to buy out the Irish landlords!

The Bill, like a wounded snake, dragged its slow length through the House of Commons for many months. It was open to most of the objections made to the measure of 1886, and these were repeated with a great force of argument. It was demonstrated, as before, that the Irish Parliament would be the creature of Celtic and Catholic Ireland; that it would oppress Protestant Ireland, and set aside our rule; that the supremacy of the Imperial Parliament was not, in fact, preserved; that, in a word, the Bill was revolutionary, dangerous, and unjust, big with evils to Ireland and Great Britain alike. The finance, too, of the scheme was found to be a mere mockery as regards British rights and claims; there was no security that Ireland would pay the contribution allotted to her; and the means of evasion were at hand and easy. These reasons, urged with convincing logic, were met by sentiment about "the union of hearts," and the "wisdom of putting trust in Ireland," and above all by the silly sophism that they were prophecies of evil, of no greater value than prophecies of good made about Home Rule; as if conclusions drawn from historical facts were the same as fancies derived from delusive hopes. As to "the obligation of honour," touching the Irish landlords, the least said was the soonest mended. Mr. Gladstone and his lieutenants

took refuge in dogged silence, or had recourse to the pettiest quibbles, of which treachery itself might feel ashamed. But the most irresistible attack on the Bill was made with regard to the reckless proposal to keep the Irish members in the Imperial Parliament, while Ireland was to obtain an assembly in College Green, in which British members were to have no concern. As the measure was first conceived, the Irish members were to make their appearance and to vote at Westminster on subjects of Imperial interest only, and were not to vote upon British questions; but Mr. Gladstone had, in 1886, proclaimed that this partition could not be made; and even if it were practicable, it was triumphantly shown, that this "In-and-Out Scheme," as it was happily called, would create double majorities in the House of Commons, at odds with each other, over and over again, and would make a consistent National Policy and stable Parliamentary Government almost impossible. This plan meant, in fact, the paralysis of the state; and its visionary author gave it up at last, though apparently without a sense of its perils. Mr. Gladstone, however, was not abashed; and he finally insisted that the Irish members, reduced in numbers by about a fifth, were to vote in the Imperial Parliament on all subjects—whether Irish or British made no difference—though they were to possess a Parliament of their own, and not a representative from Great Britain could show his face in it!

This shameful proposal was demolished by arguments to which no reply was possible. That the representatives of Ireland should have powers denied to the representatives of England and Scotland; that men, probably chiefs of the National League, should be permitted to direct the Councils of England, while England had no real voice in their own; that an alien, and probably hostile element should be let into the House of Commons, to shape its measures, and to control and fashion its purposes, by throwing its weight into the scale of parties; that an irresponsible and most dangerous influence should be formed to domineer in the State—this monstrous project admitted no defence. In a word, if the exclusion of the Irish members was unjust under the Home Rule scheme of 1886; if their retention under the "in and out" plan meant the break down of our Parliamentary system; their retention "for all purposes" was grotesque tyranny; it implied that Celtic and Catholic Ireland was to sway Protestant and Imperial England; it involved a complete subversion of the British Constitution; and it tended ultimately to turn England into a weak Federal Power. To the disgrace, however, of the Gladstonian following, this plan was accepted, though with misgivings; it was perceived that the retention of the Irish members for British, as well as for Irish uses, might further the ends of British Radical policy, and England was betrayed for a mess of Radical pottage. The supporters of the Bill, however, fell off as its iniquities and

absurdities became developed; the small Gladstonian majority began to dwindle, and proceedings were then adopted to which no parallel can be found in our Parliamentary annals. Not one-fourth of the measure was even discussed; it was forced through the House of Commons by the "Guillotine," a significant reminder of the doings of the Convention of France and of the Reign of Terror; and it was ultimately carried by a majority little more than nominal. Yet, notwithstanding this stifling of debate and reason, and this high-handed and evil oppression, the Bill was almost transformed and torn to pieces. Not to refer to the great subject of the Irish members, its financial arrangements, and a host of others, were changed, mutilated, or abandoned in despair, and it left the House of Commons an already dying and shapeless monster. The House of Lords, as we all know, threw it out with contempt; and there can be no doubt that the Gladstonian party—unscrupulous and servile as it has shown itself to be—would not have sanctioned its passing through the House of Commons had not this summary rejection been foreseen. The fate of the Bill was welcomed in England, I have said, with a feeling of relief; and, contrary to what was expected, not a symptom of discontent, or even of protest, was shown in Ireland. This complete indifference is a fact of extreme significance no statesman can overlook.

The Home Rule Bill of 1893 will never be re-

vived; it was shunned as a noisome corpse before it was buried. Mr. Gladstone feared to appeal to the country upon it, after declaring it to be a necessity of the State. But a Home Rule policy lives in its ashes; the followers of Mr. Gladstone must obey the masters on whom their power depends; and at the bidding of the chiefs of the National League, they will vote for another Home Rule measure, much as they will, probably, hate it in their hearts. Yet a third experiment of the kind is almost doomed to fail; unscrupulously mixed up as the question has been with abuse of the House of Lords and of class privilege, with the basest appeals to popular passion, with reckless promises of impossible reforms. Home Rule runs counter to British traditions; England condemns it, if not as decisively as before; and it owes its origin mainly to two accidents—the supremacy in a part of Ireland of Mr. Parnell artfully wielding the power of the National League in a period of widespread distress; and the thoughtless impulsiveness, the shameless backsliding, and the evil party moves of Mr. Gladstone carrying him away into a most disastrous course. These personalities have disappeared from the scene, and Home Rule will probably at last disappear with them, for no English statesman of real mark has sympathy with this unnatural policy. An aged Samson might have pulled down the Temple; a feeble Agrippa, "almost persuaded" to anything, and apparently proud of facing both ways, assuredly

is not the man for the task; and Home Rule in Lord Rosebery's eyes means clinging to office without power, and making professions to the Anti-Parnellite band—weak creatures divided among themselves, and who, having regard to the present state of Ireland, know that their cause has hardly a chance of success. Yet England will have to pronounce on the subject—the gravest since the Revolution of 1688—and there can be little doubt what will be her judgment. The English electorate, democratic as it is, is not without the political wisdom which has guided the nation through troubled centuries; and duped and bewildered as it has been, and in spite of the sentimental cant of the time, it will perceive that a party exists in Ireland opposed to Imperial and British rule, and capable of acquiring immense influence in circumstances which may sometimes recur; that an Irish Parliament means placing that party, in scarcely checked power, in Ireland, at the head of masses of Catholic Celts; that this involves the ruin of loyal Protestant Ireland, the annihilation of our system of Irish government, and the weakening, the imperilling, and the shame of Great Britain; and it will reject Home Rule in every shape and form.

The Union, therefore, will, I believe, be maintained; it is necessary for Ireland and Great Britain alike. But if it would be a fatal policy to disturb this settlement, the Union has been attended with some bad results, if these are not necessarily to be

ascribed to it. The administrative system which has long prevailed in Ireland, and some of the legislation of the Imperial Parliament, have not, I think, been just to the Irish landed gentry; and the bureaucratic régime of the Castle, as I have pointed out, is not to be admired. British statesmen, when the Union became law, seem to have steadily resolved to do away with the Protestant ascendency they found in Ireland; and with this object in view they addressed themselves to cripple the power of the dominant caste which possessed the land. The landed gentry were supplanted in the management of local affairs; the mischievous and disastrous Encumbered Estates Acts, which created a landlordism of the very worse kind, sold them out in hundreds, and injured the whole order; they have been converted by recent enactments into receivers of rents adjusted by the State. An aristocracy which, with many faults, was nevertheless loyal, and knew how to rule, has been thus changed in the course of time into a weak body of men deprived of power, without the influence the ownership of the soil affords, cut off from the people they once governed, in fact, isolated, I have said, and shorn of authority, like the seigneurs of the old régime in France. That this policy produced some good results is true; but it has been carried out, I am convinced, to excess; and the consequences are seen in the extreme feebleness of a class devoted to a man to our rule, in the increase of absenteeism in many

counties, in the ill-will which always besets an order in appearance privileged, but of no weight in the State. Meanwhile, as I have already observed, the Castle rules in the stead of the landed gentry, as the French intendants ruled in the place of the nobles; a centralised bureaucracy governs Ireland. This system, strong in outward seeming, is, I have said, weak; it maintains itself through an official caste of paid functionaries and omnipresent police; and it has directly tended to make our rule unpopular. It has, besides, as I shall show hereafter, had a bad effect in the administration of Irish local affairs.

Other evils, however, and these far more important, have followed in the train of the Union; and they require careful attention and thought, for they have affected the great part of the Irish community, unhappily still not attached to England. It is impossible to examine the facts here; but Catholic Ireland was, beyond dispute, deceived before the Union, if not betrayed; and Catholic Emancipation was deferred for nearly thirty years. The results were in the highest degree unfortunate; a measure of justice, which might have bound all Ireland to Great Britain if passed in 1800–1, was put off, and was won by sheer agitation; Celtic and Catholic Ireland fell into O'Connell's hands; and it not only learned what it could accomplish by combination under a great leader, but it broke away from the landed and upper classes, and it was confirmed in its distrust of British law and government. This

schism and alienation were disastrous in the extreme; and political evils were made worse by grave and increasing social mischiefs. Every allowance is to be made for British statesmen, engaged in a death struggle with France, and largely ignorant of Irish affairs; but it is greatly to be regretted that, after the Union, they did not think of a Poor Law for Ireland for many years, and that they permitted a vicious system of land tenure to exist, nay, aggravated it in some important points. The results were seen in the state of society which prevailed in Ireland before the events of 1846—redundant millions squatting on the soil; a poor peasantry fighting for the possession of land; and a mode of occupation which made them half serfs, which exposed them to oppression in many ways, and which made it possible that the fruits of their industry might be confiscated by different kinds of injustice.

The famine wrought a great change in this order of things; and no one, I think, can fairly deny that the Imperial Parliament and the ministry in power did much to lessen the appalling sufferings this national visitation at first produced. But the conduct of the Government was not sympathetic, and was guided, perhaps, too much by economic rules; and it aroused intense ill-will in the hearts of the millions of the Catholic Celts who formed the great exodus, and fled from Ireland to the Far West. A period of prosperity, in part real, in part superficial, then followed; and mistakes in the government of

Ireland were indisputably made. The Encumbered Estates Acts produced bad landlords; the evil system of land tenure was maintained, with the various and grave mischiefs flowing from it; and the rulers of Ireland openly favoured the removal from the soil of the humble class of the peasantry, for the most part of the Celtic race, and Catholics. All this caused discontent and ill-will, scarcely seen in the movement of 1867, and usually smouldering beneath the surface; and this was increased by the never-ceasing intercourse between the millions of Irish who remained at home and the masses of their brethren across the Atlantic. Mr. Gladstone then took Ireland in hand, with the best intentions, no doubt, but in hot haste, and mainly, perhaps, for party interests; the dominant church was disestablished; the system of land tenure was reformed; and a complete change in our Irish policy was made. These measures, however, if in the right direction, were very late, and were far from perfect; and in the existing state of Celtic and Catholic Ireland, they failed to conciliate, and were not received with gratitude. They fell also on an unpropitious time; a season of sudden distress followed, unhappily continuing for many years; and Celtic and Catholic Ireland, already largely estranged, threw in its lot to a considerable extent with the leaders of the Land and the National Leagues. This movement was directly and mainly due to conspirators against our rule in Ireland finding support in the American

Irish, and taking advantage of Irish want and misfortune; but it was certainly aided by a series of causes, at work, if before, also after the Union, which have engendered feelings of disloyalty and alienation in the heart of the Catholic Irish Celt. That this sentiment, however, is not intense, and may be removed without a revolutionary change, the present state of Ireland very clearly shows.

These ills have followed the Union, no doubt, but evidently they are not its natural results; and in spite of them, I repeat, Ireland has made real progress. They are, nevertheless, palpable, and to be deplored; and the question arises, can they be removed or lessened, consistently with the Union, as a fundamental settlement? If we look steadily back at the state of Ireland from the day of Pitt to that of Mr. Gladstone, we shall see, I believe, that the main causes of the failures and shortcomings which have done such mischief have not been the Union and its mode of government, but the ignorance of Ireland and her affairs, and the absence of sympathy with Irish wants and thoughts exhibited by too many British statesmen, and over and over again by the Imperial Parliament. The men who have ruled Ireland have had the best intentions; the Legislature has done what it thought just, nay, generous; but they have often been unsuccessful, and above all, too late; because they did not comprehend all the facts of the case, and because they were under the influence of British prejudice, and of theories

not applicable to Irish facts and ideas. One potent means, I believe, to make this state of things better, and to enlighten opinion in parts of Ireland, would be to transfer the Imperial Parliament, and the Executive Government connected with it, to Ireland, at certain intervals of time, and to have a session now and then in Dublin. This plan found favour with the Liberals of 1843; it was advocated by Sheil in eloquent words; it is believed it was approved by O'Connell; and the good it would effect is great and self-evident. It would be something that the wealth of large opulent classes would flow into a poor country; that Irish commerce would receive an impetus; and that Irish absenteeism would be certainly lessened. But it would be infinitely more important that British ministers, and British and Scotch members of the Lords and Commons, would be brought into close relations with Ireland; they would learn what the community is, and what are its real thoughts and desires; they would understand Irish feelings and sympathies; they would gauge the true force of Land and National League movements, less formidable than they seem to be at a distance. Irish legislation and administration might then become more "racy of the soil" than they now can be; they would be Irish, in the full sense of the word.

Another change in the system of Irish government might, I think, be made with no doubtful advantage. The Lord Lieutenant directly represents the sovereign, and ought to inspire respect and

loyalty; but he is really the servant of a party only; he is removed when his party goes out of office; and for these reasons he is regarded in Ireland with purely party feelings. For many years the Corporation of Dublin, and Irish members of Parliament of extreme views, kept steadily aloof from the Lords Lieutenant of the day; and the aristocracy of Ireland have, I have said, avoided Lords Lieutenant appointed by a Home Rule Ministry. Very real mischief has been the consequence; the head of the Irish Executive has been made worse than useless; his office has lost all influence for good; and the feelings thus produced react on the sovereign, with bad results to be greatly regretted. The obvious remedy is to make the Lord Lieutenant a great officer of State, without regard to party, and holding his post for a definite time; this has been contemplated by Mr. Gladstone; and it would be very desirable, on many grounds, that a member of the royal family should be Lord Lieutenant. This change would remove the partisan character which now injures and degrades the office—one that could be made of extreme importance—and probably it might revive the inborn loyalty which is an essential quality of the true Irish nature. I have noticed with what passionate delight the Queen was greeted in Dublin in 1849; history has repeated the tale whenever the sovereign has appeared among his subjects in Ireland; and the experiment I have suggested may not prove too late.

I shall indicate afterwards other reforms that may, I think, do real good in Ireland. But I do not believe that constitutional changes can be carried with safety beyond the limits of which I have briefly sketched the outline; the Union, I repeat, should in no event be disturbed. Any ills that may have followed the Union—and these may be very largely removed—are as nothing compared to the tremendous evils that would be directly caused by Home Rule; and this is the true and the only point of view from which to consider this momentous question. England must soon express her will on this subject, involving as it does the fate of Ireland, and to a considerable extent her own; she is at present distracted by deceptive clamour, by false prophecies, by delusive hopes; and it is sought by these means to pervert her judgment. But amidst the hollow sophistries, the sentimental follies, and the silly "ideology" of the present time through which the truth has been unhappily obscured, Englishmen would do well to turn to the manly words uttered by Macaulay half a century ago when Home Rule in another form was brought into question: "The Repeal of the Union we regard as fatal to the Empire, and we will never consent to it—never though the country should be surrounded by dangers as great as those which threatened her when her American Colonies, and France and Spain and Holland were leagued against her, or when the armed neutrality of the Baltic disputed her maritime rights; never though

another Bonaparte should pitch his camp in sight of Dover Castle; never till all has been staked and lost; never till the four quarters of the world have been convulsed by the last struggle of the great English people for their place among the nations."

CHAPTER XIII

THE QUESTION OF THE IRISH LAND

It is a shallow and materialistic notion that the Irish land comprehends the whole Irish question. But it forms a question of the gravest moment, and I venture to offer a few remarks on it. It is a mistake to suppose that the land system existing in Ireland among her Celtic tribes was a system of barbarous social anarchy. Sir Henry Maine has very clearly shown that it strongly resembled the landed relations of the Aryan races all over Europe, in which the land was parcelled out among great lords, with their free tenants and villein serfs. But this archaic organisation was completely destroyed by the march of conquest, gradual, but complete; the lands and the powers of the Irish chiefs were taken from them; the landed usages of the clans and septs were effaced, and the Irishry, after troubled centuries, were reduced to the position of mere occupiers of the soil, holding by an uncertain and foreign tenure, and subject to the Englishry of English and Scotch descent, who had become owners of the land by the right of the sword. This revolution, which planted two races in Ireland in the intimate relation of landlord and tenant, was aggravated by the fact that the distinction of race was

widened by a distinction of creed; the English and Scotch landlord was in faith Protestant; the Irish Celtic tenant was in faith Catholic; it was consummated only two centuries ago, after generations of hideous civil war and discord. It created, in fact, a land system of the most inauspicious type, making the worst kind of social divisions and ominous of many ills in the future; and, after 1690, but not until then, it extended over the whole of the South of Ireland and over a considerable part of the North, the Plantation counties of Ulster, where landlords and tenants were alike colonists, being the sole exception. The land system, formed by these unhappy means, was, moreover, propped up by wicked penal laws, which aimed at perpetuating the divisions of race and religion, and which sought, in the whole sphere of landed relations, as, indeed, in every part of the Irish community, to make Protestant ascendency supreme, and to render Catholic subjection complete.

This state of things was seen, perhaps, at its worst in the generation when Berkeley and Swift flourished, but I have no space to describe it at length. It was mitigated by degrees by time and usage, and by the influences of the eighteenth century; yet, as we see it in the days of Arthur Young and Grattan, it still presented features of evil aspect which, changed as they have been in some respects, have never been even nearly effaced. In five-sixths of the country the owners of the soil were still Englishry, of the Protestant faith; the occupiers were Celtic Irishry, and, to a

man, Catholic, and these relations were different in a part of the North only. Absenteeism, too, prevailed over vast districts, and many estates were let to the worst kind of landlords, the rack-renting and hard-fisted middlemen, the squireens of Miss Edgeworth's novels. In this condition of affairs there was much exaction and wrong. We read of evictions on a great scale, and occasionally of exorbitant rents, and there were frequent outbreaks of agrarian crime, remorselessly suppressed by the Irish Parliament, which had no scruples whatever to abuse "coercion." Yet, if there was much in the land system to regret, the principal Irish landed gentry indisputably, as a general rule, were kindly superiors to the class dependent on them. They had many vices and grave faults, but generally they were not oppressive landlords. Divided as they were from the peasantry they ruled, they felt secure in the ascendency they enjoyed; and if they were a dominant caste, they were good-hearted masters, and were looked up to with much reverence and respect. The wounds of the past had, in a word, been healed to a considerable extent in landed relations, and the land system of Ireland might have become less disliked and unpopular than it has since been but for a train of events that followed.

The legislation of the Irish Parliament encouraged population in many ways, and especially the minute subdivision of the land; and the great war with France powerfully quickened these tendencies. Within thirty or forty years only, the Irish community more than

doubled in numbers; and with this change came a rapid rise in rents, the lowering of wages, in a marked degree, and a growing mass of misery depending on a precarious root. Meanwhile Ireland was left without a poor-law to check the dangerous progress of distress and want; and as the population multiplied, and the land became cut up more and more into petty patches, the peasantry crowded upon it began to acquire concurrent rights in the soil they tilled, in virtue of the improvements they had made, and of sums given for the "good-will" of farms. A kind of rude Tenant Right grew up, though as yet inchoate, and not fixed in usage; and this gradually diffused a vague notion among the masses occupying the soil that they had acquired a proprietary claim to it. Yet unfortunately, at this very time, tenures, from various causes, had become more precarious than they had been in the preceding century; the temptation to exact high rents had increased; ill-conceived laws had encouraged evictions, which had become frequent in too many cases; above all, law completely ignored the class of rights the peasant was gaining in the land. The condition of affairs was thus formed which existed in Ireland before the famine, and to which I have adverted before—a teeming population, swarming on the land, and competing desperately for a hold on it, widespread wretchedness in many districts, and a land system abounding in the gravest social mischiefs. Agrarian crime, becoming, perhaps, worse than ever, and growing demands for "fixed tenures"

were the evil symptoms of this state of things, which the Devon Commission, I have said, brought fully into light. As the natural result, the landed gentry, already separated from their inferiors by the agitation in which O'Connell triumphed, became less popular than their fathers had been; the feelings of loyalty towards them gradually declined, and the old divisions between them and their dependants, which had been much diminished, became widened. This antagonism, however, as I have observed, though on the increase, was not yet very strong; it was discouraged, as we have seen, by O'Connell, and it had not assumed, as it did afterwards, the proportions of anything resembling a war of classes. In the Ulster of the Plantation alone, where Tenant Right had become established, were landed relations in a fairly sound condition, and even there there were signs of discontent.

I have noticed from time to time in these pages the great changes in the Irish land system which took place in the thirty years that followed. I bring them together here in a few sentences. The famine, appalling as its ravages were, removed a destructive mass of poverty from the soil, and cleared the land widely for a better class of occupiers. Farms were enlarged to a great extent; the mud hovel and potato plot partly disappeared; improved modes of husbandry were tried; agriculture made distinct, even rapid, progress. The condition of the peasantry became much better than before; wages rose con-

siderably throughout the country; the intense competition for land diminished for a time; the exaction of high rents became less possible. The material advance of Ireland, in a word, was evident; and British statesmen believed for many years that the great "Irish difficulty" had at last been solved.

Yet this prosperity was less than was commonly supposed, and left numberless vestiges of an evil past; it was, in some respects, more apparent than real; it brought with it social dangers and evils. Notwithstanding the huge exodus of 1846–47, the small farm system still continued to prevail in the greater part of Ireland, and especially in the western tracts of the island — the seat at all times of much wretchedness—a poor peasantry still remained dense on the soil. As the wealth of the country gradually increased through good harvests and other causes, the competition for land became again keen; and as agriculture progressed, the occupiers of the soil improved their holdings more than they had ever done, and gave larger sums than formerly for "good-will." The claims of the peasantry on the land were greatly augmented; their sense of a proprietary right grew; their inchoate Tenant Right became more than ever a fact; they began to think that morally the land was their own, and that the landlord was entitled to a fair rent only. Nevertheless, at this very period, their hold on the land was weakened by law, and not strengthened; their tenures were made more than ever precarious; landlords were encouraged to

"clear" their estates by a whole generation of English Ministers, and, though proceedings of this kind were uncommon, they were sufficiently so to provoke much ill-will. Extreme rack-renting was not frequent, and agrarian crime had greatly diminished; but throughout five-sixths of Ireland the occupiers of the soil had become, for the most part, mere tenants at will, while their interests in it had enormously increased. Things were better in the Plantation counties of the North; but even in these the Tenant Right had been encroached on to a certain extent.

Other evils, too, perhaps even more dangerous, had been accumulating in Irish landed relations. The Encumbered Estates Acts, as I have often pointed out, produced a class of landlords of the most unhappy kind, successors of the nearly extinguished middlemen. These engrossed by degrees vast tracts of the country; they were responsible for not a few acts of oppression. At the same time absenteeism perhaps increased, owing to facilities of locomotion and other causes, and the resulting mischiefs had been little diminished. Meanwhile, as I have shown, the old landed gentry had been not only impoverished and reduced in numbers, but their former authority had been almost destroyed through the interference of the bureaucratic Castle; they became more and more cut off from the classes around them; more and more, I repeat, like the seigneurs of the ancient régime in France. The long-standing divisions of race and faith between the

owner and occupier of the soil were thus, probably, on the whole more widened; they certainly were not in any sense bridged over, and other and very powerful causes co-operated in the same direction. The millions who left Ireland during the famine carried with them hatred of Irish landlords as well as detestation of the British Government, and these feelings were quickened in their new homes in the Far West. Ideas of this tendency crossed the Atlantic, and made way among the Irish peasantry; and owing perhaps to their sense that they existed under a system of tenure essentially bad, vague socialistic notions were diffused, pointing to a rising against the owners of the soil. Meanwhile the Catholic Church, steadily increasing in power, used its influence against a Protestant landed gentry, and the extension of education made the humbler landed classes alive to what was hard or unjust in their lot, and very different from the submissive dependents of the past. The close of this period revealed these features in the land system of the greatest part of Ireland: prosperity on the surface to a marked extent; a mode of land tenure, almost universal, in which law clashed sharply with right, along the whole circle of landed relations; old divisions more than ever apparent, and a sentiment of discontent and ill-will spreading widely among the occupiers of the soil, the most important part of the whole community.

The Land Act of 1870 was applied to remedy the many evils of this order of things. The objects of

this measure, I have pointed out, were to make the Tenant Right of the North lawworthy; to give the sanction of law to similar usages which had been growing up in other parts of Ireland; to protect by legislation, in many ways, the rights the occupier had morally acquired in the soil, and, subject to these, to maintain the just rights of the landlord. The Act went farther, I have said, than I wished at the time, but it carried out principles I had myself supported, and it is to be regretted, I think, that subsequent reforms did not proceed on the same lines. The law, however, was to some extent evaded; it fell upon times of prosperity followed by distress, very unpropitious to its successful working, for reasons I have before stated, and undoubtedly I believe it required amendment. But social progress and moderate reform in the Irish land system were arrested by the revolutionary and anarchic movements known as those of the Land and National Leagues, which have agitated the country for fifteen years, and which, if not wholly unproductive of good, have been the causes of numberless and far-reaching evils.

I have described these movements already at some length, and shall not go over their incidents again, but the primary objects of their leaders—and this should be kept steadily in view—were the abolition of British power in Ireland and the independence of the "Irish people;" and though those leaders had a host of adherents who doubtless had no such ends in view, and though they are for the time quiescent, and simply

make a demand for Home Rule, the movements have not wholly lost their essential character, and might be renewed should another Parnell appear. The special characteristic of the Land and National Leagues was that their directors, as I have pointed out, took their stand on the doctrines of Finton Lalor, linked a rebellious with an agrarian rising, addressed themselves with too much success to the discontent and socialistic feelings of the Irish peasantry in a season of distress, and induced them to break away from their landlords in a not inconsiderable part of the country by offering them simply the plunder of the land. How the movements attracted thousands of the occupiers of the soil; how they drew into their ranks large classes of men; how they were joined, if reluctantly, by the Catholic priesthood; what a reign of terror was seen in some counties; what deeds of blood, attended by the crime of "boycotting," were perpetrated in a large part of Ireland —all this I have referred to before, and it is unnecessary to recur to the narrative. It is enough here to observe that this evil period of social war and trouble clearly brought out how deep-seated were the old divisions between the classes settled on the land; how the Irish peasant could be led to rise up against the order of things he found around him, and how Ireland, in the late years of the nineteenth century, witnessed scenes resembling the Jacquerie of the Revolution directed against the French seigneurs. The real strength of these movements, however,

was not nearly so great as is commonly supposed, as I have already stated. Protestant Ireland stood aloof from them; they were not joined by Protestant occupiers of the soil, and they were mainly confined to a few counties. Their chief seat, in fact, was, as we have seen, the poor and backward region of the West of Ireland, wretched before and even after the years of comparative prosperity that succeeded the famine.

Mr. Gladstone, despite brave words to the contrary, seems to have thought, I have said, that these movements were agrarian in the main, not of a rebellious kind; he tried, at least, to encounter them by an agrarian measure, for he evidently had little faith in "coercion." He passed beyond the Land Act of 1870, which he had ostentatiously declared final, and hurried through Parliament, in 1881, an enactment of quite a different type, which created a revolution in the Irish land system. The Land Act of 1881, supplemented afterwards, as we have seen, by that of 1887—this last the work of a Conservative Government—forms with the old Act of 1870, itself amended, the present code of Irish agrarian reform, and whatever may be the judgment expressed as to its effects on the rights of Irish landlords, it has given the occupier of the soil in Ireland rights which he never expected thirty years ago, and which, I have remarked, has made his tenure most beneficial to him. I must glance again at the leading principles of a measure which has simply transformed the relations

of landlord and tenant in Ireland, although I have already referred to them. In order completely to establish the rights the occupier might possess in the land he was practically made a joint-owner of it, and the position of the landlord was reduced to little beyond that of a receiver of rent. The joint-ownership of the tenant was nominally to continue for fifteen years only, but it was really to be a perpetual estate; and that no encroachment could be made on it, the rent of the landlord was to be settled by the State, either by the tribunals selected by it, the County Courts and the Land Commission, with the Sub-Commissioners dependent on it, or through agreements carefully checked. The rent was made capable of readjustment at successive periods of fifteen years, and it was specially provided that in taking an account, rent was not to be charged on improvements made by the tenant on the holding he tilled, so that his joint-ownership should be further secured.

I have already indicated the objections to this scheme in principle; it is unnecessary to refer again to them. The measure swept away wholesale the rights of landlords; deprived them of the interest they should have in their lands, and had a direct tendency to make absenteeism worse, and to starve legitimate expenditure on every estate in Ireland. The settlement, too, of rents by the State was a novel and most dangerous project, certain to lead to discontent and trouble, and the exemption of improvements from any charge for rent would evidently be a source of

falsehood and fraud, and would greatly and unjustly embarrass landlords. These objections experience has shown were well founded, and the Legislature, it must be said besides, has reduced still further any power and influence which may have remained to the landed gentry, almost effaced as this was before, and has isolated them, perhaps, even more than was the case previously. The Irish landlord has been made little more than the possessor of a rent; while he is still separated from his dependents by the old divisions, he has at present scarcely any interest in them.

We must accept, however, this revolution in the land. A fundamental change in the law is impossible. With all its defects, some law of the kind—though this is not my own opinion—was inevitable, perhaps, as affairs stood in Ireland, and the practical question is, What is vicious in it, and in its operation, that can be removed with a reasonable prospect of a successful result, and what should be done to effect this object? Assuming, then, that the occupier of the soil in Ireland is, for the future, to be a joint-owner, and his landlord to be a receiver of a rent, retaining little more of his old ownership, the rent, too, not to be dependent on himself, it is obvious, I think, that the existing system of adjusting rents through tribunals of the State, under the peculiar conditions at present in force —the system by agreements need not be noticed, and these agreements are comparatively few—is open to adverse comments of the very gravest kind. Grant that the County Courts and the Sub-Commissioners

can fix rents with an approach to justice, though it is inevitable that in administering a remedial law, as was remarked acutely many years ago, their tendency will be to fix them low, still the process can be effected only by costly litigation and sharp contention, injurious to landlord and tenant alike, and to the establishment of friendly relations between them. This assuredly is a most serious mischief, and it is aggravated enormously by the circumstance that the process has to be repeated every fifteen years, with a recurrence of expense, bad blood, and vexation. The rule, too, as to freeing improvements from rent leads necessarily, as I have pointed out before, to false and reckless demands for exemption, to additional litigation, and the attendant evils, and it subjects the landlords, in the great mass of instances, to hardship, annoyance, and even the grossest wrong. This method, in a word, of settling rent by the State produces waste, animosity, discontent, and injustice in the whole sphere of Irish landed relations, and it must be condemned as a bad system.

This system, besides, should be abolished for special as well as for general reasons. The settlement of rent through the agency of the State has not occupied the County Courts much; it has chiefly been worked out by the Sub-Commissioners as instruments of the main Land Commission. I have little to complain myself, I have said, of the Sub-Commissioners who adjusted my rents; and I do not doubt that, on the whole, they have tried to do full justice. But it

seems tolerably certain that in settling rents they have not considered the effects of waste done by the tenant. I noticed this in my own case; and this omission has been a wrong to the landlord. It has worked down rent iniquitously in a host of instances. These tribunals, too, are of little weight. Their members hold their places at will, and depend on the Administration of the day, and, what is most important, they have a direct interest, in order to prolong their tenure of office, to cut down rents, and in this way to multiply applications to fix them. The Sub-Commissioners, in a word, are not courts to command confidence in this grave matter, and whatever may be the views of tenants, Irish landlords, as a class, are dissatisfied with them, though I fully admit that satisfactory results are difficult in the extreme in this whole province. Another important reason for doing away with the present system of settling rents is to be found in a fact of the politics of the day. An alliance, I have said, has been formed between the Government now in office and the Irish members who abandoned Mr. Parnell; and measures of injustice to Irish landlords have either been brought in or are plainly intended. The present arrangements for fixing rents, with the litigation and ill-will they cause, with their costliness and vexation, and, above all, with their provisions as to tenants' improvements, afford a leverage of no little power to further those schemes of agrarian wrong which the Irish part of this alliance, at least, has ever and persistently kept in sight.

I have long ago thought over the means of lessening or removing these grave ills; my views, published in the *Law Quarterly Review* and in the *Manchester Guardian* in 1890–91, attracted considerable attention at the time. The plan I propose is not original; it is founded on lines laid down many years ago by John Stuart Mill on the Irish land question. Taking the basis of Irish land tenure as settled, I suggest that the whole machinery for fixing rents, whether through a tribunal or by agreement, should be abolished without delay; that the periodical readjusting of rents should cease, and that the present law as to the exemption from rent of improvements made by tenants should be repealed. The ground having been thus cleared, I think that the tenant should be given a perpetual and definite estate in the land, and that the landlord should possess a perpetual rent, with the few other privileges he still enjoys—that is, the tenant should be nearly an "out and out" owner, and the landlord nearly a mere rent-charger. In order to determine the difficult question of the amount of the perpetual rent, I would intrust this duty to the Land Commission, which should have a large discretion in this matter, and should make use of all available means, from the Government valuations, to valuers on the spot, and the process should be effected once for all and be final.[1] I would not allow the tenant's ownership to be destroyed by eviction in

[1] Dissatisfied persons should of course have a right of appeal, the machinery for which could be provided.

any event, but in the case of default in payment of the perpetual rent and in a few other specified cases, the owner of the rent—that is, the former landlord—should have the power of making his debtor bankrupt, and therefore of selling the land for his claim, any surplus going, of course, to the bankrupt.

Unquestionably objections may be made to this plan, but the advantages of it greatly preponderate. The position of the tenant would at last be made that of nearly a real owner of the land if a joint-owner in some respects, and he would be freed from the danger and loss of eviction. The position of the landlord would be that of the owner of a rent and of some other rights, almost the position he holds at present; but his rent would be better secured than it is now, and he would not be forced to evict in the event of default in payment. Both landlord and tenant would not be harassed with the costly, the vexatious, and mischievous trouble inseparable from the present system of settling rents; litigation and sources of ill-will would disappear, the interests of both in the land would be permanently defined, and the landlord would be freed from the grave perils that now surround him from many sides. There is no reason to doubt that the Land Commission, composed of able and impartial men, would succeed in arranging the perpetual rent, if not with perfect accuracy, still with an approach to justice; and if it be urged that, in the existing state of agriculture and its apparent prospects, the charge of the perpetual rent might become too onerous, the

answer is that some risk must be run, and that the advantage of ownership must be set against it. The substitution of bankruptcy for eviction, in the case of the non-payment of the rent, is a benefit to all interests involved; it is unnecessary to enlarge on the subject. Finally, it is not impossible, when the causes of dislike and discontent in landed relations should have been diminished by these means, that the classes settled on the land in Ireland might become more friendly than they have ever been, though, bearing in mind the profound divisions between them, it would not be wise to be too hopeful.

Should the reform I advocate be deemed too sweeping, I would suggest that it should extend to thirty years only—something like this was proposed by the late Mr. Butt—but should not be varied in other respects, though this I believe would be a bad compromise. But, whether the present system shall remain as it is, or changes such as I propose shall be made, the Irish landlords, in my judgment, are entitled to a measure of relief if the State is to do them the most simple justice. I have not concealed faults of some of the class, if I have shown how exaggerated these have been. As a scion of a great fallen Irish house, I have no sympathy with a settlement of the Irish land resting ultimately on confiscation and conquest. But I hope I can perceive and dislike wrong; wrong, as I have shown in these pages, has been done over and over again to Irish landlords in the last half century, and the wrongs lately done

them have been plain and flagrant. Legislation, necessary, perhaps, but most harsh, has completely changed the position they hold; it has reduced the value of their property at least a half; an Irish estate is not worth seventeen years' purchase. In these circumstances it is sheer iniquity that they should continue burdened by family charges, created under a different state of things, and now crushing them with an overwhelming weight; and they have a right to call on Parliament to reduce these charges—I do not refer to cases of the advance of money, interference with which is not possible—in proportion to the injury done them by law. This would be an act of justice which no one could challenge, and it is the more required because in my experience—and in this matter its range is wide—the possessors of family charges on Irish land have, as a rule, refused concessions of all kinds, and have exacted the last farthing with the unscrupulous selfishness which fear and the sense of insecurity produce.

Another revolution, it is said, however, must be made in the land system of Ireland; it must be transformed from top to bottom. Owing partly to the disturbance and trouble caused by the Land and the National Leagues, and partly to the obvious defects and mischief of the modes of tenure, and the settling of rent which have been the result of the recent Land Acts, an opinion has been growing up by degrees that a new solution has to be found for the Irish land question. The landlords of Ireland, it is alleged,

must be sold out, their tenants must be placed in their stead as owners; and this huge and universal transfer of rights is to be effected through advances of public monies to be made by Parliament—that is, by the general taxpayer, or, what is the same thing, through the national credit. The compulsory expropriation of all Irish landlords, and the settlement of their tenants on the land, has, in short, become a political cry; it has long been a demand of the Land and National Leagues; it has been advocated by Unionist doctrinaires, filled with the ideas of French philosophers, and utterly ignorant of Irish affairs; and it has naturally found favour with numbers of the tenant class in Ireland, especially in the Plantation Ulster counties, for the arrangement, they believe, would be for their benefit. Yet this scheme, which a generation ago would have been thought fit for Laputa or Bedlam, deserves the severest reprobation of every competent thinker, nay, of all honest and fair-minded persons.

It might be enough, at the outset, to say that the project, as affairs stand, is simply impossible. An Irish Parliament, doubtless, swayed by Ministers lately stars of the Land and the National Leagues, would without difficulty solve the problem; it would drive away the Irish landlords from the land, and would divide their estates between the Celtic and Catholic "nation." But the Imperial Parliament, I assume, will continue to rule Ireland; and the work of expropriating Irish landlords, and of turning the tenants into proprietors, would have to be accomplished in a

civilised way—that is, by the funds of the State or the pledge of its credit. The sums thus to be advanced or secured would, Mr. Gladstone said only a few years ago, be not less than £300,000,000, and if this estimate is, as I think, extravagant, I believe they would not be less than £200,000,000, or, at the lowest computation, £150,000,000. Most certainly, however, the general taxpayer would never consent to become liable for monstrous and crushing burdens of this kind, as the experience, indeed, of 1886 proves. No statesman will hint at such an idea, and the whole scheme, therefore, may be pronounced hopeless.

It would, however, be as unjust and pernicious in its working and effects as it is impossible. Notwithstanding the many wrongs they have suffered, and in spite of the hardships they have endured, an immense majority of the Irish landed gentry desire to cling to their homes and estates; it is, in fact, only a few absentee landlords and many purchasers under the Encumbered Estates Acts—classes with which Ireland can easily dispense—that do not regard schemes of this kind with abhorrence. The expropriation of a whole order of men, from 8000 to 10,000 in number, from possessions many have held for centuries, against their indignant and emphatic protest, would be an act of iniquity to which no parallel can be found in modern history. Those who chatter about the reforms of Stein and Hardenberg, nay, of the confiscations of the Revolution in France, only show they are ignorant of these subjects. In this matter, too, the

wishes of the Irish landlords and the interests of the community are at one; that the Irish landlords should remain in Ireland is essential to the welfare of the country as a whole. That they are divided from the mass of the people in race and faith, that they have stood isolated as a class is unquestionably true; nor shall I stop to repeat that this is largely due to the position that England has made for them, and to faults in the government under which they have lived. But they still perform important duties in the administration of justice and in local affairs; they are still symbols of progressive and civilised life; especially in the southern Irish provinces, they form a salutary element of usefulness in the land they dwell in. The reasons for their existence, besides, will largely increase, if, as must happen, a great change shall be made in the system of Irish local government; in that event their continual presence will be necessary and of the highest value; but I shall dwell on this subject afterwards. Enough to say here, that, on this and many other grounds, the preservation to Ireland of her landed gentry should be the object of every sound-thinking statesman, and their wholesale expropriation should be carefully eschewed. The Irish landlords may resemble the old French seigneurs—this I have repeatedly pointed out; but if so, let Tocqueville's chapter be studied, in which that profound inquirer has shown how disastrous was the destruction of this whole order to France.

The general expropriation of the Irish landed gentry would be a calamity besides in many other respects. It seems that the occupiers of the soil are to hold the Irish land at annual renders to be paid to the State—that the State, in a word, is to be the universal landlord. But is it not plain that this very arrangement would play into the hands of the Land and National Leagues, and would afford another opportunity to raise a cry against rent in a different form—it would be called by the odious name of tribute—and to stir up peasants against "the rule of the Saxon," by holding out to them the hope of more agrarian plunder? How, too, is agriculture to progress; how, as I have said, is local administration to exist, and to be carried on with a prospect of success, if the whole of Ireland, in the rural districts, is to be held by masses of cultivators of the soil, unlettered, without experience of affairs, and to a very considerable extent priest-ridden? The most conclusive argument against the scheme remains, however, to be yet stated. The new owners of the Irish land would be chargeable to the State with annual sums considerably less than the natural rent left to competition in the open market; and, therefore, as certainly as water finds its level, they would sublet their lands and create undertenants, holding from them, probably, at extreme rack-rents, spite of everything that could be done to the contrary. The process would go on with the steady march of the operation of an economic law; the land would be sublet three or four deep, as the

competition for it would increase, and whole districts would again be covered, by degrees, with swarming masses in extreme wretchedness. Society, in fact, in Ireland would again return, over large and slowly extending areas, to the state it presented before the famine, with all the inevitable resulting evils. A bad experiment, in a word, would have a bad issue.

The arguments urged in behalf of this scheme of injustice and mischief hardly require notice. It is said that the conversion of the occupiers of the soil into owners would assimilate them to the French peasantry; conservative in their ideas, and law-abiding, they would acquire the instincts that attach themselves to property. But this ignores the distinction between the two cases: the Irish peasantry would not have had to pay for their holdings, for they would possess them at annual sums below the old rents; the French peasantry really bought their lands, and what has been acquired by a device like a bribe engenders sentiments the exact opposite to those engendered by what has been won by the outlay of the fruits of industry and skill. The new Irish owners in the supposed instance would have become, in the striking words of Burke, "grantees of a confiscation," huge and disgraceful. The history of Ireland does not encourage the repetition of experiments of this kind, and Mr. Parnell, I think, judged quite correctly when he said that such a settlement of the Irish land would strengthen the Land and National Leagues, for practically it would express their triumph, and to a con-

siderable extent have carried out their policy. The other argument in favour of the scheme rests on a juggle of words, and reveals much ignorance. It is alleged that recent legislation on the Irish land has created a system of "dual ownership," and that this is not tolerable for many reasons. But, in the first place, what is called "dual ownership" is a mode of land tenure in many countries; it appears in the English copyhold, and in the French *metayer* custom, to refer only to two instances; it is, in fact, far more general than "single ownership," and it has existed with happy results for ages. In the second place, something akin to "dual ownership" has always been the tenure *of* land in Ireland; and if, as I admit, this was not the same as that produced by Mr. Gladstone's Land Acts —the germ is not the forced fruit—still some "dual ownership," in this sense, is assuredly not an unmixed evil.

But if the compulsory expropriation of all Irish landlords and the substitution of the occupiers of the soil is open to objections that cannot be removed, the gradual conversion by a voluntary plan, to a limited extent and by a slow process, of the Irish tenant class into owners of their lands through the agency of the State wears a different aspect. This would enable Irish landlords who desire to sell estates that cannot be sold otherwise—for the ordinary land-market is for the present closed—to dispose of them to the existing holders of the land, and the arrangement would probably get rid of some bad landlords, and might conduce

to social peace and progress. I am sceptical, however, that any striking results would be obtained by transactions like these, and, in any event, the process should be tentative, made by degrees, and confined in its scope and working. Irish landlords who wish to retain their estates should be allowed to do so in common equity, but the annual sums payable by tenants to the State, converted into owners, would be much under the rents payable, as affairs now stand; it follows, therefore, that a sudden conversion, effected upon a great scale, would create a distinction, widespread and vast, between charges of the two kinds; the landlords who desired to remain would be exposed to the ruinous operation of a base coinage, fraudulently put in circulation against them—this analogy is not the least strained—and their expropriation would soon be the inevitable result. A more infamous policy could hardly be conceived, and for this reason alone the creation of tenant ownership should be restricted and limited, as before mentioned. The enactments existing on this subject have provided sums of about £40,000,000 to enable land to be sold and transferred from landlords to tenants in the way referred to; about £12,000,000 have been already laid out. The results hitherto have been reasonably good and promising, and the process has been gradual and not far-reaching, so that landlords have received no injury. I deprecate, however, a further extension of the law; indeed, I was of opinion that the last Act, in appropriating £30,000,000 to the purpose in view, went dangerously

beyond legitimate bounds, but my apprehensions have not, at least as yet, been realised. Nevertheless, the conversion of Irish tenants into owners ought not, I am convinced, to proceed otherwise than it does at present, and the general taxpayer would assuredly regret the day on which he would consent, on any pretence, to pledge the credit of the State to a rash experiment of expropriation wholesale and immediate.

CHAPTER XIV

IRISH LOCAL GOVERNMENT

WHATEVER may be the fate of Home Rule—and I do not believe it will come to pass—a complete change in the system of local government and administration in Ireland is certain to happen. A large measure indeed of the kind was brought in by Lord Salisbury's Ministry, and passed the second reading in the House of Commons. It was a mistake, I think, that it was permitted to drop. I shall make some observations on this subject, and on the subjects connected with it. These questions are second in importance only to those of the Union and of the Irish land. In this matter, and in what it involves, the contrast between the course of events in England and Ireland has been very striking. Local franchises were the germs of all English liberties. The Anglo-Saxon, with his individual feelings, had his distinct rights in his primitive village; the Constitution, it has been said, grew out of the ancient Township and Burh. The whole scheme of government under the Saxon monarchy was local in its essence and forms. The Shiremotes were really local Parliaments, the County Courts were great local tribunals; and if this order of things disappeared under the Norman kings, local

government and administration, nevertheless, remained one of the great institutions of England. Though the Parliament of Westminster became supreme and the central government acquired immense authority, still the administration, and to a large extent the government of the counties continued local. The Lords Lieutenant, local magnates, possessed much power; local magistrates administered justice on the spot, and directed and controlled a local police, and the parish managed, for the most part, local affairs. This peculiar organisation has retained its character through the vicissitudes of many stormy centuries, and it is specially to be noted that it is in harmony with the feelings, the needs, and the thoughts of the people. It has been superseded, to some extent, by the County Council and the Parish Council, creations of yesterday, so to speak; but it has struck deep roots, and it will long flourish.

The cities and towns of England also enjoyed local franchises from the earliest times. These were not very great under the Saxon sovereigns, but they were largely increased by the Norman monarchs, who sought to balance feudalism by municipal influence. The Plantagenets established a regular system of local government and administration in nearly all the chief towns of England; their mayors, burgesses, guilds, and freemen formed corporations with great local rights, and these privileges were extended to lesser towns by degrees. These institutions have also grown and strengthened. The Tudors and Stuarts no doubt

endeavoured to curtail the local powers of corporate towns, and these, in the century that followed the Revolution of 1688, lost in some measure their old liberties, became narrow and corrupt in their governing bodies, and, in that age of aristocratic rule, fell in many instances under the control of great borough-mongering county families. Yet, if their public spirit had somewhat declined, the fine municipal buildings and structures of the kind, erected even during this period, show how powerful they still were, and their influence in Parliament probably increased. Municipal reform has, within the last half century, bestowed local government and administration on, it may be said, nearly all the towns of England, and placed it on a broad popular basis; and, though other causes have certainly concurred, we see the result of this in the immense improvement which has taken place in these urban centres, and in the strong municipal life of their free citizens.

The consequences of this state of things have been written, as it were, on the face of the country. The gigantic wealth and resources of England are obvious to the most careless eyes. What should be borne in mind is that these prodigious results of the industry of ages have been mainly due to local effort seconded by local franchises. The main roads of England are of Roman origin, the county roads have been nearly all the work of the parish. The ports constructed by the State have been few; local enterprise has formed our great commercial harbours and the smaller roadsteads and

havens along our coasts. So it has been with the drainage system of the seventeenth century, with the noble canals of the latter part of the eighteenth, with the network of railways of the Victorian era. These have been the creations of local industry with local powers, not of the Central Government. But the most conspicuous signs of this condition of affairs appear in the aspect of our great towns and cities. These have been aggregates of petty towns and hamlets, expanded in the course of centuries into large centres of life by individual effort; hardly helped by the State, they show everywhere how they have thus been developed. The huge world of London, the great cities that have risen for the most part along our chief rivers, exhibit the effects of local toil and genius, and not the presence *of* power from above; we see this in the variety of their public buildings, in their numerous churches of every type, in the want of symmetry of their labyrinths of streets. England, in short, in what she has achieved by local activity, is the exact opposite of her great neighbour, France, where, in the country, the cities, and the towns, the mark of the omnipotent Government is always manifest.

Local government and administration, I have said, has run an utterly different course in Ireland. Unlike the Anglo-Saxon, the Celt has not individual ways. The Irish tribes seem to have been ruled from the earliest times by their priests and chiefs. They had probably few, if any, local liberties. The Danish invaders established some local franchises, and so did

the Norman Englishry of the Pale, and these were extended in name by the first Stuarts, as Ireland was completely conquered, but without living reality of any kind. Civil war and disorder effaced these puny growths, and local government and administration on a lasting basis was founded in Ireland after the Revolution of 1688—that is, at the same time as the settlement of the land. The system then set on foot had a superficial likeness, as regards county affairs, with the English system existing since Mediæval times; but it had one feature altogether its own, and in its essential character it was quite dissimilar. In the Irish, as in the English counties, the hierarchy of Lords Lieutenant and local magistrates was introduced and given local powers, and these personages distributed local justice, and had the control of a local police, with privileges like those of their fellows in England. The two systems, however, had this vital difference, English county government was in accord with the people; in Ireland county government was strictly confined to the dominant caste, which possessed the land and was utterly alien to the subject race. It was an image of Protestant ascendency in rural affairs, with the many unhappy and evil effects. The chief peculiarity, however, of the Irish system—and nothing analogous was to be found in England—was the establishment of the County Grand Jury, invested with great local and fiscal powers, and of enormous influence in Irish county government. This body, composed, in the different counties, of the principal

local landed gentry, and practically appointed by the Central Government, had much of the authority of the English parish, which in Ireland had scarcely any power, and additional rights of many kinds; and it had this special privilege, that it could impose local taxes almost at its will and pleasure for county administration in all its branches. The Grand Jury, in fact, became the chief instrument of county government throughout Ireland; and, constituted as it was, it was, of course, a part of the Protestant ascendency supreme in the land.

Irish county government and administration, therefore, exhibited the division of race and creed which separates the community to this day, and was founded on a narrow oligarchic basis. The Grand Jury system, too, was full of corruption. The readers of Miss Edgeworth's novels will recollect her sketches of these petty assemblies of jobbing squires; and the Grand Juries, it should be especially observed, contrived to throw the mass of the local taxes on the Celtic and Catholic occupiers of the soil. The dominant caste, in fact, did not show well in this, as in many other respects; but, nevertheless, as I have repeatedly said, it formed an aristocracy by no means unpopular, and it knew how to rule with some good results. This system continued until the Union, though slight encroachments had been made on it; but since the Union it has been essentially changed. British Ministers, eager, as I have already pointed out, to break Protestant ascendency down, invaded

the sphere of Irish county government, and, here as elsewhere, the bureaucratic Castle has intervened with far-reaching effects. The local hierarchy of the counties still exist; the Lord Lieutenant and magistrates retain their state; but they have become shadows of names, with scarcely any authority. The county police have long ago disappeared, and have been replaced by the great constabulary force, the powerful agency of the all-directing Castle. Paid magistrates have largely superseded their local fellows; the County Court Judges, in their respective counties, administer the higher local justice; and all these functionaries are officials of the Central Government, without local ties in the districts they control. A similar transformation has, meanwhile, taken place in the Irish Grand Jury system. The Grand Juries are still formed of the higher landed gentry; and though Catholic Grand Jurors are not unfrequent, the great majority in these bodies is even now Protestant. They still administer the counties, largely in name; their powers and duties, indeed, have been greatly extended by a long succession of modern statutes. But they are cabined and confined by the Central Government; their accounts are subject to a strict audit; they are compelled to raise considerable sums of money; they have become, in many important points, mere County Boards of the ruling Castle. They have retained their worst privilege, nevertheless, that of taxing peasants of a different race and faith, who are not represented in them,

though this power has been, in some degree, limited.

This great change in Irish county government unquestionably has had many good results. The evil of Protestant ascendency has been removed; the paid magistrates and County Court Judges administer local justice very much better than could have been possible a century ago. The Grand Juries, too, have long been freed from corruption; they are efficient bodies of upright men; they manage county affairs, on the whole, very well. The intrusion of the Castle, nevertheless, in this as in other matters, has had the bad results to which I have often referred before; it has deprived the landed gentry of local powers, while it has left them privileges of an invidious kind; it has separated duty from high position; it has assimilated them to the old French seigneurs, as I have noticed repeatedly in these pages. I pass on to the cities and towns of Ireland, and to their local government and administration. It is unnecessary to inquire whether the rude Celtic village possessed any local rights or franchises; these certainly existed in the towns of the Danes and in the cities and towns of the Anglo-Norman Pale, and they were given wholesale by James I. to a number of ruined and squalid hamlets, to create an English colonial interest in the Irish Parliament; but, as in the counties, so in the towns, these rights were practically all but blotted out in the convulsions and strife of the seventeenth century;

and the local government and administration of Irish cities and towns dates really from the reign of William III. only.

At this time there were but two urban centres, Dublin and Cork, worthy to be even named with the great and growing provincial towns of England; and nearly all the other towns of Ireland were petty assemblages of wretched dwellings, half-peopled, and bearing everywhere the mark of barbarous and long-protracted civil war. Many of them, however, had the shadows of corporate rights, and when the country became at last settled, they were amply endowed with these franchises; and they had governing bodies corresponding in name to those of the cities and towns of England. These privileges, however, were strictly confined to citizens of the dominant race and faith; Protestant ascendency was completely established in the corporate cities and towns of Ireland, and as most of these made hardly any progress, they fell under the control of local magnates, who, far more than could be the case in England, made use of them as subservient boroughs to return their nominees to the Irish Parliament. In this state of things, if we except Dublin, and in some degree Cork, the corporate cities and towns of Ireland —and all others need not be considered—had no real municipal life; they were strongholds of the domination of caste, marked by a distinction of blood and creed; their leading men became intensely corrupt, and thought little about civic duties, and they

excluded the subject Catholics as much as possible from their sphere. Though time has removed its harshest features, most of the cities and towns of Ireland still disclose traces of this state of things; I have described it in my sketch of Kilkenny sixty years ago, and the distinction between the rows of the slated dwellings of the Anglo-Protestant quarter of the last century and the "Irish town" of the Catholic Celt has not disappeared even now in the urban life of Ireland.

The cities and towns of Ireland, and their local government and administration, were not much changed during the generation that saw the Union. Some grew in wealth and acquired more influence, and many ceased to be Parliamentary boroughs, but in most instances they still remained under the control of great neighbouring noble families, and though a Catholic population became dense in them, their governing bodies retained their sectarian character, and they had little of the free municipal spirit. But when Catholic emancipation had become law, and corporate reform in England had taken effect, the position of Irish cities and towns, their administrative system, and their privileges and rights, necessarily attracted the attention of British statesmen. Two principles seemed to have guided their minds; in this, as in every part of Irish affairs, they wished to blot Protestant ascendency out, but, at the same time, they shrunk from conferring large municipal rights on the Catholic masses, which had now crowded these cities

and towns, for they feared they would abuse newly acquired power. Irish municipal reform, accordingly, took this shape; nine-tenths of the cities and towns of Ireland were deprived of their existing corporate franchises, and of the government and administration pertaining to them, and they were thus set free from sectarian rule. But the privileges conferred were comparatively few, very much less than those conferred in England; the municipal franchise was closely restricted, and throughout Ireland the great body of the population of the cities and towns were allowed hardly any share in their government. Municipal reform has within late years been extended to many of the lesser towns in Ireland, but it is a reform essentially of the same character—that is, the governing bodies have little power, and the majority of the towns-people have little influence. At the same time, too, the bureaucratic Castle has here interfered to a certain extent, though this interference is no doubt required, and it is less than in Irish county government. All Irish cities and towns possessing municipal rights are controlled by a Local Government Board, an agency of the Central Government, and this control is strict and effective. It is scarcely necessary to add that, in this matter, the power of great Irish county families has long ago become a thing of the past.

The local government and administration of the Irish cities and towns is therefore very different from what we find within the same sphere in England.

Sectarian domination and aristocratic influence have been banished from it long ago, but the governing bodies it has created have but small authority; the mass of the people is excluded from it; its basis is narrow, and in no sense popular. And accordingly, as has often happened—though I am far from saying that certain tendencies in Irish nature do not concur—the free muncipal life and spirit cannot develop themselves under these conditions; the inhabitants of the cities and towns of Ireland care little for civic reform and progress; they have little energy and self-reliance; they look up too much to the Central Government. I turn to two other institutions connected with local government and administration in Ireland. The Irish poor-law, I have remarked, was too long delayed; poor-law government in Ireland is scarcely more than fifty years old. This system largely corresponds with the English system; the governing bodies of the poor-law unions are composed partly of ex-officios and partly of elected guardians; they have acquired considerable powers in the course of time; they are, for instance, the sanitary authority in many small towns. The system has, on the whole, worked well until the troubles of recent years, but it now exhibits some marked defects, on which I shall say a few words afterwards. The last institution I refer to is that of the Board of Irish Public Works, a creation, in some measure, of the old Irish Parliament. That assembly—in accord in this with Irish ideas—delighted in erecting fine public buildings; it lavished

large sums on these structures and on public works of a variety of kinds. The Imperial Parliament has, in this matter, been generous in the highest degree; it has devoted no less than £38,000,000 to public works in Ireland since 1817, and £8,000,000 of this sum has been a free gift. The Board, however, which carries out these works and administers these immense grants, is wholly an agency of the Castle; the community has simply nothing to do with it.

In local government and administration in Ireland, therefore, many evils of the past have been wholly removed. But the system has new and present evils; it has not produced the effects we see in England; above all, in its various parts, it is not in harmony or in touch with the people. The results of this system may be seen in Ireland, as those of a different system appear in England, though it is unnecessary to remark that the immense distinction between the two countries in civilisation and wealth is to be attributed, in the main, to other causes than to any arrangements of local government. The progress visible in Ireland in the rural districts, and to a considerable extent in the cities and towns, may be fairly ascribed in some measure to the improvement in local government and administration, which, defective as this is in many respects, is certainly better than it was before the Union. The county roads of Ireland and the county buildings, which are within the province of the Grand Juries, are usually in an excellent state; the cities and towns of Ireland have a different look from the general

squalor of a century ago; some, Belfast for example, have made a rapid advance. But many Irish villages are under the control of the Grand Juries, and in their slatternly appearance and sordid poverty, these, in numberless instances, record the neglect of administrative bodies in no sense popular. It is the same with respect to most of the cities and towns; their public buildings are for the most part fine—indeed, often too fine for their uses; the streets of the upper classes are good, but the quarters inhabited by the humble classes are almost always ill-built and wretched; the water supply is bad, the death-rate very high. Irish cities and towns have not the look of comfort, especially as regards the dwellings of the poor, which is a characteristic of those of England, and this, doubtless, is in some measure due to the fact that their administration is on a narrow basis, that the mass of the population have no voice in it, and that, therefore, it is without life and energy. It should be added that the public works of Ireland often bear the marks of bureaucratic rule and of centralisation without local effort; they are in most cases well built and durable, but they are sometimes uselessly grand and imposing, and they have been occasionally miserable failures. They have a kind of resemblance to the public works constructed upon a very similar system in France.

It is obviously impossible that a system like this, exclusive, contracted, and oligarchic, could last in a democratic age, and local government and administration, I have said, must undergo a complete reform in

Ireland. The time, however, I freely admit, is not very propitious for the change, inevitable as the change is, though Ireland is at present in repose, and a few words must be said on the nature and qualities of the bodies of men who at this moment administer local Irish affairs, and will take part in that work in the future. Throughout the whole of Ireland the Grand Juries, representing the highest local landed gentry, are, of course, loyal and law-abiding subjects; they have a large experience of the duties they do; they are devotedly attached to the British connection. The same remark applies to a great extent to administrative bodies of other kinds, corporations, town commissioners, and boards of guardians formed in the Plantation counties of Ulster, and, with large qualifications, it applies in some degree to considerable parts of the southern provinces, so far as regards these orders of bodies. Unquestionably, however, in some of the Irish counties, especially in the poor region of the West, and in other Catholic and Celtic tracts, the spirit of the Land and National Leagues has entered the sphere of local affairs, and some corporations, town commissioners, and boards of guardians have made themselves remarkable of late years for exhibitions of a disloyal character, for opposition to parts of the law, and above all, for demands for Home Rule, including all that these demands involve. This has been notably manifest in the boards of guardians. The elected guardians, as a rule farmers, have repeatedly used most extravagant

language; in some unions they have practically driven the *ex-officio* guardians away, and they have in many denounced the Irish landlords. It should be added that, as I have already said, the middle class in Ireland is very small and weak, and the deficiency of this element must tell with bad effects in any reform of local government and administration on popular lines.

The question, then, is how this faulty system is to be remodelled and placed on a broad basis, consistently with the spirit of the time, regard being had to actual Irish facts, and to the maintenance of our rule, and of the just rights of property? I write with some authority on this subject, for I have been a Grand Juror of the King's County for nearly half-a century, and as a County Court Judge I have seen much of Irish municipal administration in some of its branches. It is obvious, I think, that reform in Ireland should, generally, be on the English pattern; but it is necessary here to recollect the aphorism of Burke, "The circumstances are what render any civil and political scheme beneficial or noxious to mankind;" and as the circumstances differ in this matter in the two countries, and differ to a very wide extent, exact imitation would not be right or wise. Taking Irish county government first, I would leave the hierarchy of the counties as it is at present; the Lord Lieutenant and the local magistrates wish to retain their privileges, trivial as they are, and for many reasons, these should not be infringed. The paid magistrates and the County Court Judges should

be left as they are to do their existing duties, and unquestionably the constabulary force should not be changed in a single particular. This loyal and admirably constituted force is necessary for the preservation of the public peace. The leaders of the Land and National Leagues have denounced it, of course, for it has held them in check; but, as a matter of fact, it has been employed of late not so much in upholding the law and property as in preventing the exasperated factions of the "Parnellite split" from rushing at each other at wild mob gatherings.

In other respects, I would certainly make a large and liberal reform in Irish county government. I would leave the existing units unchanged—that is, each county should be a governing unit, for there are obvious objections to the extension of these; and arrangements could be made for the not uncommon cases where the local affairs of different counties should be intermixed and run into each other. I would establish in each county an elective body, which should have the English appellation of the County Council; and, with the exception of certain duties of a judicial kind, which ought to belong to the County Court Judges, I would transfer to it all the rights and powers at present possessed by the Grand Jury, subject of course to the control, as now, of the Central Government. The County Council, therefore, would have the management of the roads and public buildings in each county, and, vested interests being preserved, the appointment of the local county officers; a popular

institution would thus replace, in every Irish county, an oligarchic body. But I would give the County Council ampler rights than these. Ireland, subject to just precautions and checks, should receive a large and generous measure of local liberties. The County Council should have the power to take evidence on private and local Bills, doing away with a costly inquiry at Westminster, and its reports, if confirmed by the Central Government, should have the efficacy of private Acts of Parliament when put into legal form. It should also have the power to set up local elective bodies, in order to encourage local industries, with the approval of the Board of Works—that is, of the Central Government; and the right under certain conditions, to be noticed afterwards, to have a voice in the primary education of the people within the local area it would rule.

The constitution of the Irish County Council—a most important matter—next demands attention. As far as was just, I would follow the English model—that is, the County Council should be elected by the ratepayers of the district without exception; the assembly, therefore, would be to all intents popular. But in order to protect property, and especially landed property, from illegitimate and reckless attack, and from the efforts of the Land and National Leagues, and in order, also, to make some provision for the deficiency of a trained middle class in Ireland, which would naturally check inexperienced power, I would here unquestionably take precautions which

do not exist in the English system. I would avail myself largely of the cumulative vote, giving the wealthier ratepayers increased right as a counterpoise to masses of poor peasants, and I would place on every County Council a certain number of men of substance—say from £400 a year upwards—to be elected separately by a free vote, in order specially to represent property and to form a conservative force in the County Council. The peculiar circumstances of Ireland require a check of this kind; and if this elective but controlling body were superadded to the County Council, the new institution, I fain would hope, would perform its functions reasonably well.

A considerable change should be made also in the government of cities and towns in Ireland. Every town larger than a mere village should be withdrawn completely from county government, that is, from the Grand Jury or the County Council, and it should be given the right of local self-government. The governing bodies of the Irish cities and towns should retain their present names and their present functions, that is, they should remain corporations and town commissioners, and they should rule, as they do now, within their respective areas, under the authority of the Central Government. They should be also, as at present, elective; but they should be elected by a thoroughly popular vote, and not, as now, by a mere limited class. The municipal franchise, already wide in Belfast, should be extended in every city and town to the whole body of civic ratepayers, and the governing

bodies would thus be made more popular, and impregnated with popular thoughts and ideas. But here, again, in order to take precautions which must be taken, for many reasons, I would turn the cumulative vote to account; and here again, as in the case of the counties, I would place on the governing bodies a class of members elected by a popular vote, but whose wealth would induce them to protect property. Urban government in Ireland would thus be placed on a new and altogether a liberal basis, and its character and form would be greatly changed. I should add that wherever Boards of Guardians direct the sanitary arrangements of small towns, these should be transferred to their governing bodies. This reform is obvious and of some importance; but, in the peculiar circumstances which exist in Ireland, I would not give the governing bodies of any city or town a local police force, as is the case in England; the Central Government, in this matter, should have unchecked power.

As to poor-law government, the Boards of Guardians should retain their existing powers in their respective unions, except as to the sanitary regulation of towns. But I would make a change in the constitution of the boards; I would do away with *ex-officio* guardians, an institution of somewhat an exclusive kind, and the boards should be altogether elective. The elective guardians, however, should be elected, as they now are, by the cumulative vote, and I would place on every board a proportion of men of means, as in the cases

mentioned before, elected, but with the instincts of property. Poor-law government would thus, I believe, be improved; and I would take the further security that all occupiers of land or houses should pay a share of the poor-rate, and that there should be no exemptions, as there are at present. With reference to the Board of Public Works, it must be a department of the Central Government, to administer the sums it receives from Parliament; but I would leaven it with a popular element. I would place on it one or perhaps two members, selected for this purpose by the County Councils. There remains the question of the control to be exercised by the Central Government over all the bodies to which local government and administration would be thus committed, and this control should be real and far-reaching. With this object the Local Government Board should possess the powers it already has, and the machinery for preventing misconduct and waste on the part of the local bodies and their officials should be made more effective and complete than it is. This can be done by increasing the jurisdiction of the County Court Judges in this province, and by improving the procedure of the superior courts in the whole sphere of matters of this kind; and this reform has been long needed. On the other hand, I would give the Local Government Board, like the Board of Works, a popular element; the County Councils, at least, should be represented on it.

The reform, of which I have sketched the outline, corresponds in the main with that proposed by Mr.

Balfour in 1892, but it is more thorough and more liberal. It would be, of course, condemned by the Gladstonian following, and by the leaders of the Land and National Leagues, for it would contravene and not fall in with their policy; but I have already expressed my thoughts on Home Rule. But it would satisfy, I think, what justice requires, and it would place local government and administration in Ireland on a sound, broad, and popular basis. It is impossible to predict how such a scheme would work, but a few observations may not be out of place. Unquestionably at first there would be some confusion, some clashing of views, some waste, some mismanagement. This is inevitable in the present state of the Irish community, divided and wanting in a trained middle class, and for a time certainly the County Councils would not perform the duties of the Grand Juries as efficiently as they are performed at present. But experience, the sense of responsible duty, and above all, perhaps, the instinct of self-interest, would gradually lessen or remove these mischiefs, and there would be great advantages from the outset to be placed against them. In county government, through the County Council, the local landed gentry of the higher class, at present kept down by the bureaucratic Castle, and separated from the classes below them, would have a real opportunity to recover their former influence to a considerable extent; they would, as a rule, be numerous in the County Councils, and they would naturally acquire in county government the authority and weight

which education, experience, and training necessarily secure. I attach no little importance to this, for it is to be desired from every point of view that this order of men should, as it were, come out from the isolation in which they have been placed, and should justify their position by mixing freely with the orders of men among which they live, and by the zealous and able performance of local work. The reform I propose would also, I am convinced, improve the state of the cities and towns of Ireland, especially as regards the condition of the poor: this class would necessarily be raised in the social scale, where its influence would have made itself felt. The infusion of a popular element into the Board of Works would, too, I believe, be attended with good, and the same may be said of the change suggested in the Boards of Poor-law Guardians. Above all, perhaps, it should be kept in mind that, under a scheme of this kind, every real grievance in local government and administration in Ireland would, within reasonable limits, be removed.

I have now reached the last, but not the least important, of Irish questions of a local kind. Man does not live upon bread alone; he is a spiritual and a moral being, and nothing can be more unwise than the view that material reforms can suffice in Ireland. The system of education that long prevailed in that country formed the third branch of Mr. Gladstone's great upas tree, and rhetorical as the language was, this noxious growth has not been wholly removed. I shall glance at the highest Irish education first; its

history has certainly not been fortunate. It is difficult to find out, with an approach to certainty, what this system was in primitive Celtic times, or in the age of the Englishry of the Pale; but Ireland had no mediæval Oxford and Cambridge, and Trinity College, founded in the reign of Elizabeth, was the first real university Ireland possessed. Like other Irish institutions, this place of learning became a seat of Protestant ascendency of the most exclusive type; the fellows, scholars, and undergraduates were all Protestant, and Catholics were rigidly shut out from it. It has, nevertheless, flourished during three centuries, and produced many illustrious sons, and it is to *its* lasting honour that, in 1793, it freely admitted Catholics within its sphere, long before such a reform was thought of in England. In the present generation the change has gone further; Protestant ascendency has disappeared from Trinity College, as far as this can be secured by law, and Catholics have a title to enjoy all the advantages it affords, and even to have a place on its governing body. The place, however, is still essentially Protestant; its traditions, sympathies, and even a large part of its teaching are of a Protestant kind; the great majority of its inmates from top to bottom is strongly Protestant in thought and feeling; a Catholic atmosphere, so to speak, nowhere breathes in it.

The Queen's Colleges were founded by Peel in Ireland, in order, as he hoped, to place her system of university education on a more extended basis, and

especially to provide for the wealthier Irish Catholics. These institutions were formed upon the plan of primary education for the humbler classes, on which I shall soon say a word; they have been reasonably successful in the Protestant parts of Ulster. But the Irish Catholic prelates pronounced them "Godless;" this sentence of proscription has not been removed, and they have never struck deep root in Catholic Ireland. Mr. Gladstone took up the question in 1873, but he yielded to the narrow "Nonconformist conscience"—the most extraordinary of moral puzzles—and his scheme of Irish University reform was so one-sided, so ill-contrived, and so palpably unjust, that it was rejected by Parliament as a complete failure. A Conservative Government has since then set on foot a kind of Examining University, on the French model, for education of the higher kind in Ireland; it has received a considerable amount of support, and the Irish Catholics of the middle class have availed themselves largely of it. But Trinity College, Protestant in life and spirit, is still the only Irish University in the true sense. Catholic Ireland has no University of her own, and in this matter, as I have insisted for years, in articles in reviews and magazines, Catholic Ireland has still an undoubted grievance.

I pass on to a subject perhaps even more important, the system of primary education that prevails in Ireland. We can trace the beginnings of this system to the sixteenth century, and its features wore a

sinister aspect; the Established Church, planted amidst a conquered race, was made the instructor, not only of the English and Scotch settlers, but of the subject and hostile Catholic masses. This was Protestant ascendency on its worst side; and the system became in the eighteenth century, in the form of the well-known Charter schools, an odious instrument for the propagation of the dominant faith. All this failed, however, as it was doomed to fail, and after numerous fruitless attempts of the kind, the system of primary education now in force in Ireland was established about sixty years ago. The principle of that system, known by the name of "National," was to combine secular and religious education in a curious way; the National schools were open to all communions, but while Catholic and Protestant children were to be taught together the rudiments and other things of the kind, they are to receive doctrinal instruction apart. This principle, in my judgment, was not sound; it has certainly succeeded in parts of Ulster, and even in parts of Catholic Ireland; but the National system has not found favour with the humbler classes in the greatest part of the country, though it may be unadvisable, perhaps, to change it wholly now. After much bickering and angry conflicts the present system of Irish primary education is this: It is denominational in the sense that the National schools are each composed of children of one faith, that is, are Catholic or Protestant in three-fourths of Ireland, whereas, in the remaining fourth, they are

of a mixed religious character. But they are denominational with a stringent conscience clause; however exclusive the religion of a school may be, the peculiar tenets of its religion cannot be taught in it; a Catholic school cannot have Catholic emblems; a Protestant school cannot hear the Bible read. Enormous grants without a claim for repayment have been made to support this system, and unquestionably it has done much good; light has shone, if not a very fruitful light, on the children of a community which sat in darkness within the memory of many still alive. But the teaching in the National schools is somewhat poor and shallow; it possibly may have had something to do with the socialistic tendencies which have appeared in Ireland, and except in a part of Ireland only, I do not think it can be deemed popular. The teachers, too, in the National schools are not paid as they ought to be, and not a few have been agents of the Land and National Leagues. In this matter the State has been generous in the extreme; it certainly has accomplished much, but its work has not been in all respects fortunate.

The system of education in Ireland, therefore, requires a large and searching reform. Catholic Ireland has an indisputable right to a Catholic University of a high order; this is a just demand of her Catholic Church; no rational objection can be made to it. It will be refused, however, by Gladstonian Radicals, in this matter slaves of the "Nonconformist conscience," which would sell Ireland to the Land and National

Leagues and yet ignores justice in its blind bigotry; and a Catholic University, I venture to predict, will be given to Ireland by Mr. Balfour at the head of a Conservative Government. As for primary education, the National system has succeeded to a certain extent; it might be unwise, perhaps impossible, to break up a system which at least offers instruction to the whole Irish community, and keeps the balance even between its warring creeds. But the system, I repeat, is not liked by the great body of the Irish people—that is, by the mass of Catholic Ireland—and a fair compromise in this respect can I think be made. Let the National system be continued as that which receives the sanction of the State, and let it be supported as it is by Parliament. But should the ratepayers in any county apply to the County Council to have the national schools turned into denominational schools—that is, schools in which the distinctive tenets of any Christian faith can be taught—this application should be granted, provided always that the petitioners should be ready to contribute a school rate to prove that their request was in earnest. In that case the State should of course supplement the school rate by grants of its own, and if this change were made I assert with confidence primary education in Ireland would make a marked advance, and would become more popular than it is now.

In university education Catholic Ireland has, I have insisted, a plain grievance; in primary education it has one also, if this is not equally grave and manifest.

The Catholic bishops and Catholic priesthood concur in their claims on that subject; it is one of the very highest importance. No statesman worthy of the name should hesitate; a just demand should be at once complied with; one of the few remaining wrongs of Ireland should be removed. Equity in this matter should guide our conduct; those who believe the Union to be essential to the welfare of Ireland and Great Britain alike should be careful to see that the Catholic Irish have no legitimate cause of complaint, and should go a long way to attract their sympathies. And with this object it is of supreme importance to gain the countenance of the Irish Catholic Church, especially when it seeks what ought to be done. That Church probably will never be a cordial friend of Protestant England. Pitt and Mr. Gladstone—the last notably, and without the excuses that can be made for Pitt—lost opportunities to bring it into relation with the State. But the Irish Catholic clergy, both high and low, are not the less in their true natures and at bottom a great Conservative force, which we ought to win to our side if possible. They have shown this on more than one occasion. They opposed the movements of 1848 and 1867, and joined the Land and National Leagues with reluctance; and it is the height of unwisdom to make this great order of men hostile to our rule by denying justice, and not to try to make them allies. This was pointed out by Burke a century ago; the lesson is just as true at this hour.

I have now closed these records of my life, and my reflections on what I have witnessed in it. As I look back across that broad space of years, and consider what my experience has been, I feel that my path has been strewn with blessings, and that I have suffered from few of the strokes of adversity. I cannot echo the exquisite voice of the poet. Tears do not rise in my heart or gather in my eyes as I think on the days that are no more. I muse on the buried past with a happy memory. I have, indeed, to lament many faults and failings; I have to mourn over the blight of hopes; I have felt the hard wintry wind of ingratitude. But humanity has always been thus tried, and what has been fortunate in my lot has been far in excess of what can be deemed unfortunate. My bark has moved peacefully through quiet scenes along an unruffled stream of life; it has been seldom assailed by the breath of a tempest. It is fast approaching the illimitable main. I humbly hope it will find the Pilot to guide me toward the Everlasting Light.

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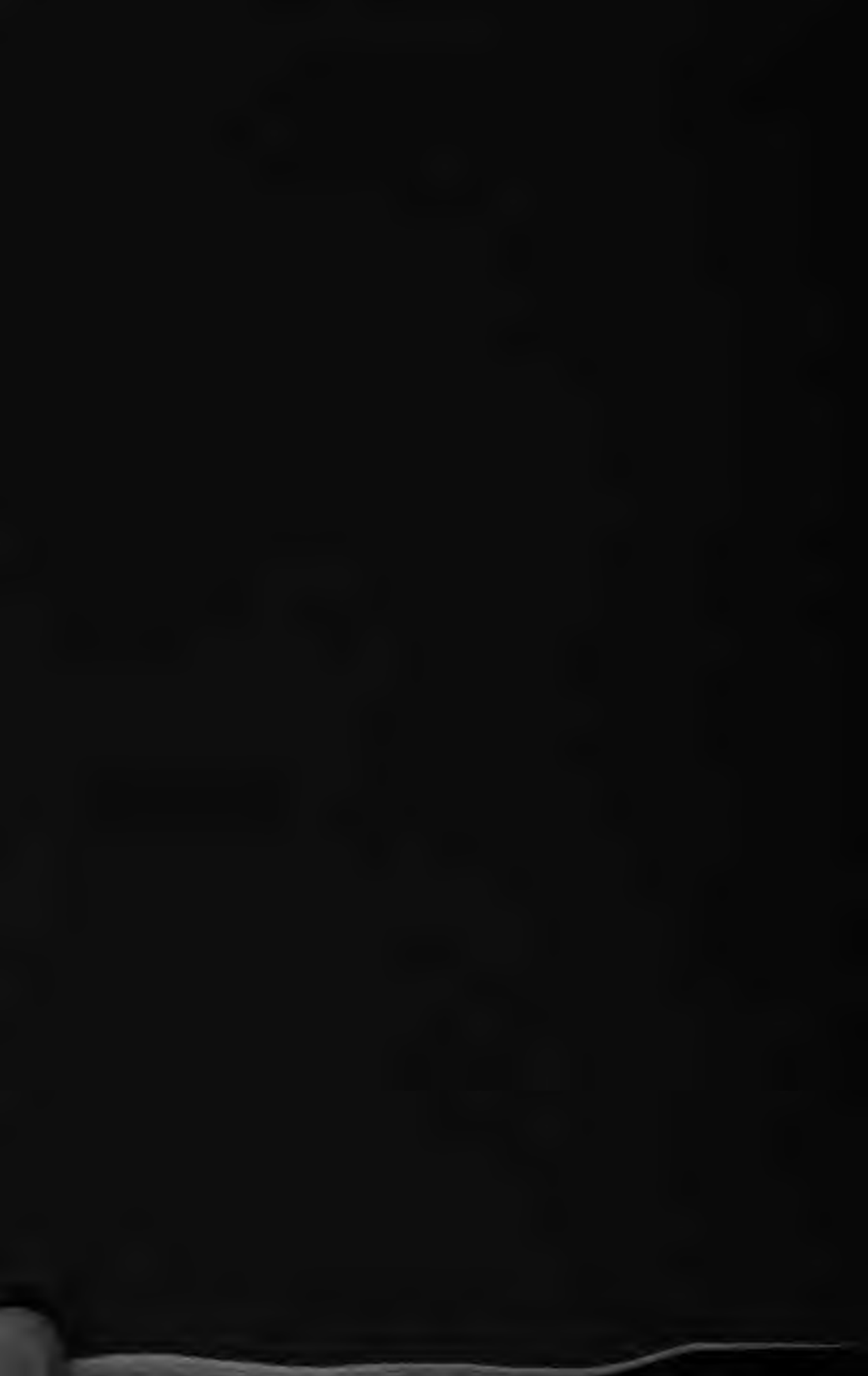
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